

## SEVENTY-FOURTH DAY

(Thursday, May 22, 1969)

The Senate met at 11:35 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the Journal of yesterday was dispensed with and the Journal was approved.

(Senator Blanchard in the Chair.)

## Bills Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 12, A bill to be entitled "An Act relating to suspension by the Department of Public Safety of the motor vehicle license and registrations of a Texas resident who fails to comply with the safety responsibility law of another state; etc.; and declaring an emergency."

S. B. No. 16, A bill to be entitled "An Act amending Section 3, Article 5441, Revised Civil Statutes of Texas 1925, by deleting provisions requiring the State Librarian to have bound certain newspapers and periodicals; and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act relating to the creation and

administration of the John F. Kennedy Memorial Museum Commission; and declaring an emergency."

S. B. No. 148, A bill to be entitled "An Act relating to a requirement that all complaints made against a law enforcement officer of the State of Texas or firemen and policemen be made in writing and signed by the person making the complaint; and declaring an emergency."

S. B. No. 215, A bill to be entitled "An Act amending Statutes relating to licenses for certain persons, activities and objects covered by the Act; and relating to the categories for assessing fees for such licenses; and declaring an emergency."

S. B. No. 269, A bill to be entitled "An Act relating to the creation of the Commission on Fire Protection Personnel Standards and Education and its powers and duties; and declaring an emergency."

S. B. No. 295, A bill to be entitled "An Act relating to and providing for the Juvenile Court of Harris County No. 2 and the Juvenile Court of Harris County No. 3; and declaring an emergency."

S. B. No. 307, A bill to be entitled "An Act creating a temporary state agency to be known as the Governor's Committee on Human Relations; etc.; and declaring an emergency."

S. B. No. 308, A bill to be entitled "An Act relating to the annual salaries of assistants to the county school superintendents in certain counties; and declaring an emergency."

S. B. No. 312, A bill to be entitled "An Act relating to creation of the Court of Domestic Relations No. 4 of Tarrant County; providing for membership of the judge on the juvenile board; and declaring an emergency."

S. B. No. 325, A bill to be entitled "An Act providing for Commissioning of State Parks and Wildlife Department employees as peace officers, on state parks or on state historical sites, or in fresh pursuit of law violators; vesting them with the powers of peace officers; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 392, A bill to be entitled "An Act creating municipal courts

of record in the city of Wichita Falls; etc.; and declaring an emergency."

S. B. No. 441, A bill to be entitled "An Act amending Senate Bill No. 375, Chapter 194, Page 323, General Laws of the State of Texas, Acts of the Forty-second Legislature, Regular Session, 1931, as amended, which is codified as Article 695a, Vernon's Texas Civil Statutes, by amending Section 4 of said Article; authorizing an increase in the size of the Board; authorizing the establishment of multi-county Child Welfare Boards; clarifying the Board's relationship to the State Department of Public Welfare; fixing an effective date; providing a repealing clause, a savings clause; and declaring an emergency."

S. B. No. 454, A bill to be entitled "An Act relating to assessment of candidates in primary elections in certain counties and refund of those assessments in certain circumstances; prescribing a penalty for illegal refunds; etc.; and declaring an emergency."

S. B. No. 460, A bill to be entitled "An Act relating to Articles 4594, 4595, and 3840, Revised Civil Statutes of Texas, 1925, as amended; providing that the operator of any residential house, apartment, duplex or other single or multi-family dwelling, shall have a lien upon all baggage and all other property found therein for all rents due and unpaid by the tenant thereof; etc., and declaring an emergency."

S. B. No. 487, A bill to be entitled "An Act transferring certain land from the Texas Department of Mental Health and Mental Retardation to the Texas Commission for the Blind to be used for the Texas Rehabilitation Center for the Blind; and declaring an emergency."

S. B. No. 497, A bill to be entitled "An Act relating to the establishment of the County Court at Law No. 3 of El Paso County; and declaring an emergency."

S. B. No. 508, A bill to be entitled "An Act amending Statutes relating to compensation of court reporters of the 24th and 135th Judicial Districts; and declaring an emergency."

S. B. No. 541, A bill to be entitled "An Act relating to the description

of certain waters in Calhoun County where certain netting is prohibited; etc.; and declaring an emergency."

S. B. No. 545, A bill to be entitled "An Act authorizing creation of the Dickens County Hospital District; etc., and declaring an emergency."

S. B. No. 665, A bill to be entitled "An Act relating to the approval of vouchers by the Chairman of the Board of Regents or the institutional head of a component institution of The University of Texas System or their delegates, for expenditures made by order of the Board of Regents; amending Article 2594, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 688, A bill to be entitled "An Act relating to the salary of investigators and assistant district attorneys of McLennan County; etc.; and declaring an emergency."

S. B. No. 689, A bill to be entitled "An Act amending Statutes relating to compensation of county officials in certain counties; and declaring an emergency."

S. B. No. 708, A bill to be entitled "An Act amending Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, by adding to Section 5 thereof two new subsections to be designated 5(m) and 5(n); empowering the Trinity River Authority of Texas to acquire, operate, maintain and improve the canal system and properties known as the Devers Canal System; etc., and declaring an emergency."

S. B. No. 709, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Hueco Valley Utility District'; etc., and declaring an emergency."

S. B. No. 710, A bill to be entitled "An Act amending Statutes, permitting the Red River Authority to contract with Eldorado, Oklahoma, for the sale of water; and declaring an emergency."

S. B. No. 712, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Tigua-Hueco Utility District'; etc., and declaring an emergency."

S. B. No. 734, A bill to be entitled "An Act to secure for Texas citizens flood insurance coverage under the National Flood Insurance Act of 1968; etc.; and declaring an emergency."

S. B. No. 756, A bill to be entitled "An Act amending Statutes relating to the compensation of the judge of the County Court of McLennan County; and declaring an emergency."

S. B. No. 775, A bill to be entitled "An Act validating all proceedings including all revenue bonds and provisions for security and payment thereof, the terms and conditions of sale thereof, contracts, agreements, leases, operating agreements, options and other agreements, taken, had, made, entered into or executed by the governing bodies of all cities and towns, etc., and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act relating to the fixing minimum and maximum salaries of the official shorthand reporters for the 50th and 110th Judicial Districts of Texas; and declaring an emergency."

S. B. No. 176, A bill to be entitled "An Act authorizing all counties to issue and refund revenue bonds for hospital purposes in accordance with the procedures prescribed for the issuance of similar bonds by County Hospital Authorities under the County Hospital Authority Act; etc.; and declaring an emergency."

S. B. No. 195, A bill to be entitled "An Act authorizing the County Auditor, or if there is no County Auditor, then the County Treasurer, of each County to place any accumulated interest derived from trust funds in the possession of County and District Clerks of such County, etc., and declaring an emergency."

S. B. No. 208, A bill to be entitled "An Act removing the exemption of handicapped from compulsory school attendance requirements if adequate educational facilities exist in the state, and providing for reporting by school districts of the number of handicapped children for which they have no facilities; amending Article 2893, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 519, A bill to be entitled "An Act amending Acts 1967, 60th Legislature, Chapter 453, to change the designations of the bonds therein authorized, to authorize the Parks and Wildlife Department to exercise discretion in establishing interest rates, maximum maturity and the capitalization of interest for the initial fiscal year and appropriate reserves; etc., and declaring an emergency."

S. B. No. 608, A bill to be entitled "An Act amending Statutes relating to benefit eligibility conditions under the Texas Unemployment Compensation Act; and declaring an emergency."

S. B. No. 664, A bill to be entitled "An Act amending Statutes relative to Workmen's Compensation Act; etc.; and declaring an emergency."

#### Meeting of Committee on Nominations During Session

On motion of Senator Word, and by unanimous consent, the Committee on Nominations was granted permission to meet while the Senate was in Session.

#### Senate Concurrent Resolution 97

Senator Word offered the following resolution:

S. C. R. No. 97, Expressing appreciation to past and present members of the Legislative Budget Board for their service.

Whereas, The Legislative Budget Board was created by Senate Bill No. 387, Chapter 487, Acts of the Fifty-first Legislature, Regular Session, with an effective date of June 29, 1949; and

Whereas, Said Legislative Budget Board held its first meeting on November 29, 1949; and

Whereas, The year 1969 marks the twentieth anniversary of the creation of this joint legislative service agency; and

Whereas, The exercise of the Constitutional responsibility of the Legislature for making appropriations for the operation of the State Government has been immeasurably facilitated by the functioning of the Legislative Budget Board; and

Whereas, Over the period of the Budget Board's twenty-year history some sixty individuals, present and former Members of the Texas Senate

and House, have served on the Board, namely, the Honorable

A. M. Aikin, Jr.,  
Ben Atwell,  
Charles L. Ballman,  
Ben Barnes,  
Floyd Bradshaw,  
D. H. Buchanan,  
Galloway Calhoun, Jr.  
Howard A. Carney,  
Waggoner Carr,  
Neveille Colson,  
James M. Cotten,  
Jack Cox,  
Tom Creighton,  
B. H. Dewey, Jr.,  
J. T. Ellis, Jr.,  
Jack G. Fisk,  
Joe B. Fleming,  
William S. Fly,  
Henry C. Grover,  
Dorsey B. Hardeman,  
Grady Hazlewood,  
W. S. Heatly,  
Charles F. Herring,  
George T. Hinson,  
John A. Huebner,  
Albert M. Jones,  
Keith F. Kelly,  
Ray Kirkpatrick,  
Culp Krueger,  
Wardlow Lane,  
Truett Latimer,  
Jim T. Lindsey,  
Ottis E. Lock,  
Malcolm McGregor,  
Durwood Manford,  
Crawford C. Martin,  
G. C. Morris,  
William T. Moore,  
G. F. Mutscher,  
Fred Niemann,  
Jimmy Phillips,  
Maurice S. Pipkin,  
W. H. Rampsy,  
Ben Ramsey,  
V. L. Ramsey,  
David Ratliff,  
Bruce A. Reagan,  
Ray Roberts,  
Lloyd G. Rust, Jr.,  
Frates Seeligson,  
Scott P. Sayers,  
Reuben Senterfitt,  
William H. Shireman,  
Richard C. Slack,  
Max C. Smith,  
Preston Smith,  
Stanton Stone,  
Byron Tunnell,  
James A. Turman, and  
R. A. Weinert; and

Whereas, The service of these members on the Legislative Budget Board,

through diligent study and continuing review of budget requirements, and in cooperation with Texas Governors in the exercise of the Constitutional authority of the executive branch, has resulted in the development of a dual legislative-executive budget system unique and outstanding among the states; and

Whereas, This development has resulted in the saving of millions of dollars of public funds and vast improvement in the service provided Texas citizens by their State Government; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Sixty-first Legislature extend to the sixty present and former members of the Legislative Budget Board this expression of its appreciation of the service rendered by the Board's members during its first twenty years, and that a copy of this Resolution be delivered to each living member or former member and to the families of those deceased.

The resolution was read.

On motion of Senator Word, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Morning Call Dispensed With

Senator Word asked unanimous consent to dispense with the Morning Call.

There was objection.

Senator Word then moved to dispense with the Morning Call.

The motion prevailed.

#### House Bill 157 on Second Reading

Senator Snelson moved to suspend the regular order of business and take up H. B. No. 157 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Grover
Bates	Hall
Bernal	Harrington
Berry	Harris
Bridges	Hazlewood
Brooks	Hightower
Christie	Jordan
Cole	Kennard

Mauzy  
McKool  
Patman  
Ratliff

Snelson  
Wilson  
Word

#### Nays—4

Connally  
Creighton

Herring  
Moore

#### Absent

Blanchard  
Schwartz

Strong  
Watson

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 157, A bill to be entitled "An Act establishing The University of Texas of the Permian Basin and providing for its management and operation; and declaring an emergency."

The bill was read second time.

Question—Shall H. B. No. 157 be passed to third reading?

#### Report of Standing Committee

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1347, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CONNALLY  
WORD

#### Motion to Re-Refer House Bill 797

Senator Wilson moved that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

Pending discussion by Senator Wilson of the motion to re-refer H. B. No. 797, Senator Bernal occupied the Chair.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to

the Committee on State Departments and Institutions?

#### Recess

On motion of Senator Kennard the Senate at 12:55 o'clock p.m. took recess until 4:00 o'clock p.m. today.

#### After Recess

The President called the Senate to order at 4:00 o'clock p.m. today.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 9, A bill to be entitled "An Act amending and revising the following provisions of the Texas Probate Code; etc.; and declaring an emergency."

S. B. No. 98, A bill to be entitled "An Act relating to qualifications and examinations of applicants for a license to engage in the occupation of hairdresser, cosmetologist, and manicurist; etc.; and declaring an emergency."

S. B. No. 135, A bill to be entitled "An Act relating to the possession of certain firearms and prohibited weapons by a person charged with, indicted for, or convicted of a felony; amending Chapter 599, Acts of the etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 143, A bill to be entitled "An Act making it unlawful for any person to willfully interfere with any fireman, policeman, or other peace officer in the lawful discharge of his duties, or with any doctor, nurse, or ambulance attendant while on emergency calls; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 382, A bill to be entitled "An Act relating to water control and improvement districts, the territory of which is located in more than one city or town and outside thereof

in Dallas County; providing for the abolishment of the Board of Directors of such water control and improvement districts; and declaring an emergency."

(With Amendments.)

S. B. No. 417, A bill to be entitled "An Act relating to the use or exhibition of a firearm in resisting any lawful arrest, apprehension, or investigation by a peace officer; providing a penalty; amending Article 341, Penal Code of Texas, 1925; and declaring an emergency."

(With Amendments.)

S. B. No. 491, A bill to be entitled "An Act amending Statutes so as to provide for new criteria for the creation of Union Junior College Districts and County or Joint County Junior College Districts; and declaring an emergency."

S. B. No. 546, A bill to be entitled "An Act relating to the definition of 'legal reserve life insurance agent'; etc.; and declaring an emergency."

S. B. No. 571, A bill to be entitled "An Act accepting as part of the State of Texas the land acquired by the United States of America from the United Mexican States by virtue of the Convention for the Solution of the Problem of the Chamizal, signed August 29, 1963; and declaring an emergency."

S. B. No. 706, A bill to be entitled "An Act amending Statutes relating to areas in which the Palo Pinto County Municipal Water District No. 1 may construct dams and related water facilities; etc.; and declaring an emergency."

(With Amendment.)

S. B. No. 725, A bill to be entitled "An Act validating all governmental acts of the Board of Directors of Dallas County Flood Control District and of the Board of Supervisors of City and County of Dallas Levee Improvement District and of the Board of Supervisors of Dallas County Levee Improvement District No. 5; etc.; and declaring an emergency."

S. B. No. 727, A bill to be entitled "An Act relating to the issuance of certain bonds by cities having a population of 5,000 or more; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 746, A bill to be entitled "An Act adding land to Pirate's Cove Municipal Utility District of Galveston County, Texas; etc.; and declaring an emergency."

S. B. No. 772, A bill to be entitled "An Act amending Statutes so as to provide for amendment to extend the term of existing oil, gas, and mineral leases covering certain state lands; providing for severability; and declaring an emergency."

S. B. No. 803, A bill to be entitled "An Act authorizing the Board of Directors of the Galveston County Water Control and Improvement District No. 1 to refund any taxes collected from, and to forgive any unpaid taxes or penalties for unpaid taxes levied against, certain real property; providing that such repayment shall be made in a fair and uniform manner; and declaring an emergency."

S. B. No. 808, A bill to be entitled "An Act amending Statutes so as to change the name of Jackson County Flood Control District to the Lavaca-Navidad River Authority; containing other provisions relating to the subject; containing a severability clause; and declaring an emergency."

S. B. No. 818, A bill to be entitled "An Act authorizing cities and towns having a toll bridge across a river between the State of Texas and the Republic of Mexico located within, or fifteen (15) miles of, their corporate limits, subject to outstanding covenants relating to outstanding bonds, to appropriate or pledge to revenue bonds issued hereunder, all or any part of any revenues derived by such cities and towns from or on account of any such toll bridges; etc.; and declaring an emergency."

S. B. No. 824, A bill to be entitled "An Act relating to the Court of Domestic Relations for Galveston County and to the Galveston County Juvenile Board; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 54, A bill to be entitled "An Act relating to taxation of non-profit water supply corporations; etc.; and declaring an emergency."

S. B. No. 170, A bill to be entitled "An Act protecting alligators in this state; etc.; and declaring an emergency."

(With Amendment.)

S. B. No. 266, A bill to be entitled "An Act amending Acts 1925, 39th Legislature, Chapter 25, authorizing water control and improvement districts containing any city to annex territory heretofore or hereafter annexed to such city where the district provides water or sewer services to such city or its inhabitants thereof; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 310, A bill to be entitled "An Act relating to certain death and disability benefits for firemen and their families in certain cities; etc.; and declaring an emergency."

S. B. No. 744, A bill to be entitled "An Act repealing Article 5571, Revised Civil Statutes of Texas, 1925, relating to cotton under lien; and declaring an emergency."

S. B. No. 437, A bill to be entitled "An Act amending Statutes relating to the delivery of certain papers of a decedent; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

(With Amendment.)

S. B. No. 774, A bill to be entitled "An Act amending Statutes providing for expenditures from the County Available School Fund in certain counties for salary and office expenses relating to the performance of certain duties formerly exercised by the county superintendent; and declaring an emergency."

S. C. R. No. 60, Authorizing Senate Enrolling Clerk to make certain minor, non-substantive corrections in Senate Bill No. 153.

S. C. R. No. 96, Commending the leaders of Houston's Job Fair.

May 22, 1969, The House has adopted the Conference Committee Report on House Bill No. 930 by a non-record vote.

May 22, 1969, All rules suspended, the House refused to concur in Senate amendments to House Bill No. 84 and has requested the appointment of a Conference Committee to consider differences between the two Houses. Conferees are: Caldwell, Ray, Parker of Jefferson, Wright and Weldon.

May 22, 1969, All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 1435 by a vote of 143 ayes, 0 noes.

May 22, 1969, The House has concurred in Senate amendments to House Bill No. 980 by non-record vote.

May 22, 1969, All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 1143 by a vote of 141 ayes, 0 noes.

S. B. No. 806, A bill to be entitled "An Act authorizing the Commission for Indian Affairs, in addition to its other powers and authority, to accept or acquire lands, easements and other properties by gifts, grants, and otherwise, for the purpose of preserving and using historic sites and related properties within the county in which an Indian Reservation is located, and to develop same as tourist attractions; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 809, A bill to be entitled "An Act relating to the composition of state representative districts 35 and 36; and declaring an emergency."

S. C. R. No. 93, Requesting return of H. B. No. 684, 874, 547, 933, 934, and 1273 for further consideration.

(With Amendment.)

S. C. R. No. 67, Granting permission to Jasper L. Elston, et ux., to sue the State.

S. C. R. No. 69, Granting C. S. Alderson permission to sue the State of Texas and the University of Texas at Austin.

S. C. R. No. 73, Authorizing the Texas and Pacific Railway Company to sue the State of Texas, the County of Dallas, and the Texas State Highway Department.

(With Amendment.)

S. C. R. No. 85, Granting Tom Rotello and wife, Lela Rotello, and Frances Rotello, a widow, permission to sue the State of Texas.

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

House Bill 156 on Third Reading

Senator Jordan moved to suspend the regular order of business and take

up H. B. No. 156 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—21**

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Cole	Strong
Hall	Watson
Harrington	Wilson
Herring	Word
Hightower	

**Nays—10**

Aikin	Harris
Blanchard	Hazlewood
Connally	Moore
Creighton	Ratliff
Grover	Snelson

The President laid before the Senate on its third reading and final passage:

H. B. No. 156, A bill to be entitled "An Act relating to the establishment and operation of a minimum wage; providing a penalty; and declaring an emergency."

The bill was read third time and was passed.

**Record of Votes**

Senators Moore, Grover, Ratliff, Aikin, Connally, Watson and Blanchard asked to be recorded as voting "Nay" on the final passage of the bill.

**Reports of Standing Committees**

Senator Kennard, by unanimous consent, submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 459, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman  
McKool  
Brooks  
Christie

WORD  
HERRING  
CONNALLY

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1015, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman  
BRIDGES  
HERRING  
MAUZY  
McKool  
PATMAN  
WILSON

Senator Connally, by unanimous consent, submitted the following report:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 1160, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

**Bills and Resolutions Signed**

The President signed in the presence of the Senate after the caption has been read, the following enrolled bills and resolutions:

H. B. No. 371, A bill to be entitled "An Act relating to contracts for construction equipment and work to be used in disaster relief under the Texas Civil Protection Act of 1951; providing immunity for contractors engaged in disaster relief work from liability for certain damages; etc.; and declaring an emergency."

H. B. No. 1390, A bill to be entitled "An Act ratifying and validating all proceedings and actions had and taken by the governing body of Harris



County Water Control and Improvement District No. 81; etc.; and declaring an emergency."

H. B. No. 664, A bill to be entitled "An Act relating to the design and construction of buildings and improvements at facilities under control and management of the Texas Department of Mental Health and Mental Retardation; etc.; and declaring an emergency."

H. B. No. 1049, A bill to be entitled "An Act amending Statutes concerning the submission date of the Governor's Budget; and declaring an emergency."

H. B. No. 847, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article XVI, Section 59, Constitution of Texas, to be known as Amigoland Utility District of Cameron County, Texas; etc.; and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act creating a medical school to be known as the Texas Technological College School of Medicine at Lubbock; placing the management and control of the medical school in the Board of Directors of Texas Technological College; and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act relating to the creation of the Kerrville South Utility District No. 1 as a conservation and reclamation district in Kerr County, Texas, under the provisions of Article XVI, Section 59, of the Texas Constitution; prescribing the powers, duties, functions, and procedures of the district; and declaring an emergency."

H. B. No. 481, A bill to be entitled "An Act relating to transferring jurisdiction and control of the Institute of Texas Cultures, the Texas State Exhibits Building at HemisFair 1968, and all lands and improvements relating thereto to the Board of Regents of The University of Texas System; etc.; and declaring an emergency."

H. B. No. 265, A bill to be entitled "An Act relating to the creation, administration, powers, duties, and financing of the Stratford Hospital

District, of Sherman County, Texas; and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act authorizing and directing the Board of Regents of The University of Texas System to establish and maintain a general academic institution in Dallas County, Texas, or in any county adjacent to Dallas County, to be known as The University of Texas at Dallas; etc.; and declaring an emergency."

H. C. R. No. 109, Commending and congratulating "Project Info."

H. C. R. No. 112, Creating a Committee on State and Local Tax Policy.

H. C. R. No. 102, In memory of Brady P. Gentry, and naming a freeway in his honor.

H. C. R. No. 127, Commending Jimmy Duncan.

H. C. R. No. 97, Inviting the Honorable Hubert H. Humphrey to address a Joint Session of the 61st Legislature on a date convenient to him.

H. C. R. No. 137, Memorial resolution for Captain John Yeatts.

H. C. R. No. 136, Memorial resolution for Mrs. Ben T. Jordan.

#### Reports of Standing Committee

Senator Moore, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 1147, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman  
AIKIN  
BATES  
COLE  
HAZLEWOOD  
HERRING  
HIGHTOWER  
KENNARD  
RATLIFF  
STRONG  
WILSON

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 70, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOORE, Chairman  
BATES  
BLANCHARD  
COLE  
CONNALLY  
HERRING  
HIGHTOWER  
JORDAN  
KENNARD  
RATLIFF  
WILSON

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 823, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

MOORE, Chairman  
BRIDGES  
COLE  
CONNALLY  
HERRING  
HAZLEWOOD  
JORDAN  
RATLIFF  
SCHWARTZ  
STRONG  
WATSON

C. S. H. B. No. 823 was read the first time.

#### Motion to Re-Refer House Bill 363

Senator Bernal asked unanimous consent that H. B. No. 363 be withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Departments and Institutions.

There was objection.

(Senator Aikin in the Chair.)

Pending discussion by Senator Strong of the motion to re-refer H. B. No. 363, Senator Bernal withdrew

his motion to withdraw H. B. No. 363 from the Committee on Jurisprudence and re-refer it to the Committee on State Departments and Institutions.

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Wilson that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

#### Message From the House

Hall of the House of Representatives

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 125, A bill to be entitled "An Act relating to the control of solid waste and prescribing the duties, powers, and functions of the State Department of Health, the Texas Water Quality Board and counties relative to the collection, handling, storage or disposal of solid waste and the regulation thereof; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 225, A bill to be entitled "An Act creating under Article XVI, Section 59, of the Texas Constitution, the Gulf Coast Waste Disposal Authority, for the purpose of preventing water pollution in Chambers, Galveston, and Harris County; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 138, A bill to be entitled "An Act amending Statutes relating to permits for the disposal of wastes by injection well; transferring certain functions under the Act to the Texas Water Quality Board; etc.; and declaring an emergency."

(With Amendments.)

S. B. No. 799, A bill to be entitled "An Act relating to regulation of certain milk products imported into Tex-

as; etc.; and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Concurrent Resolution 85  
with House Amendment**

By unanimous consent, Senator Moore called S. C. R. No. 85 from the President's table for consideration of the House Amendment to the resolution.

The Presiding Officer laid the resolution and the following House Amendment before the Senate:

**Amendment No. 1**

Amend S. C. R. No. 85 by substituting a semicolon for the period at the end of the resolution, adding "and, be it further" at the end of that paragraph, and adding the following resolving clause:

"Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved."

The House Amendment was read.

Senator Moore moved that the Senate concur in the House Amendment.

The motion prevailed.

**Senate Concurrent Resolution 73  
with House Amendment**

By unanimous consent, Senator Moore called S. C. R. No. 73 from the President's table for consideration of the House Amendment to the resolution.

The President laid the resolution and the following House Amendment before the Senate:

**Amendment No. 1**

Amend S. C. R. No. 73 by substituting a semicolon for the period at the end of the resolution, adding "and, be it further" at the end of that paragraph, and adding the following resolving clause:

"Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved."

The House Amendment was read.

Senator Moore moved that the Senate concur in the House Amendment.

The motion prevailed.

**Motion to Reconsider Vote on Final  
Passage of House Bill 847 Withdrawn**

On motion of Senator Bates, and by unanimous consent, the motion to reconsider the vote by which H. B. No. 847 was finally passed was withdrawn.

**Motion to Concur in House Amend-  
ments to Senate Bill 164**

Senator Hall asked unanimous consent to concur in House amendments to S. B. No. 164.

There was objection.

**Adoption of Conference Committee  
Report on House Bill 80**

Senator Brooks moved the adoption of the Conference Committee Report on H. B. No. 80 which was submitted this morning.

Question — Shall the Conference Committee Report on H. B. No. 80 be adopted?

The Conference Committee Report was adopted.

**Motion to Re-Refer House Bill 797**

The Senate resumed the consideration of the pending business, same being the motion by Senator Wilson that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

Pending discussion by Senator Connally on the motion to re-refer, Senator Hightower occupied the Chair.)

(Senator Aikin in the Chair.)

**Senate Bill 135 with House Amendment**

By unanimous consent, Senator Hightower called S. B. No. 135 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House Amendment before the Senate:

**Committee Amendment 1**

Amend S. B. 135 by adding the words "involving an act of violence" after the word "felony" in quoted Section 1 of the bill.

The House Amendment was read.

Senator Hightower moved that the Senate concur in the House Amendment.

The motion prevailed.

**Reports of Standing Committees**

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 942, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
CONNALLY

Senator Herring, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 53, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. 612, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 866, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. H. B. No. 866 was read the first time.

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 403, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

**Motion to Re-Refer House Bill 797**

The Senate resumed the consideration of the pending business, same being the motion of Senator Wilson that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

Pending discussion by Senator Connally of the motion to re-refer, Senator Strong moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Yeas and Nays were demanded.

(President in the Chair.)

The motion to adjourn was lost by the following vote:

Yeas—7

Connally	Herring
Creighton	Moore
Harris	Strong
Hazlewood	

Nays—20

Aikin	Hightower
Bates	Kennard
Bernal	Mauzy
Berry	McKool
Blanchard	Patman
Bridges	Ratliff
Christie	Schwartz
Cole	Snelson
Hall	Watson
Harrington	Wilson

Absent

Brooks	Jordan
Grover	Word

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

Senate Bill 849 on First Reading

Senator Christie moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson

Nays—1

Moore

Absent

Brooks	Jordan
Grover	Word

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Christie:

S. B. No. 849, A bill to be entitled "An Act providing for disability retirement including only the Judge or Judges of the Supreme Court, the Court of Criminal Appeals, Commissions to any of the Courts named herein, The Courts of Civil Appeals, District Courts and Criminal District Courts, of Texas; of Chapter 99, H. B. 33, Acts of the 51st Legislature, Regular Session, Article 6228b, Vernon's Civil Statutes of Texas; providing for repeal of laws in conflict; providing for validity of remaining portions of Acts if any part declared unconstitutional; and declaring an emergency."

To the Committee on County, District and Urban Affairs.

Reports of Standing Committees

Senator Herring, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 417, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 895, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Strong, by unanimous consent, submitted the following report:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred H. B. No. 44, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRONG, Chairman  
McKOOL  
MAUZY  
JORDAN  
KENNARD  
MOORE  
BRIDGES

Senator Hall, by unanimous consent, submitted the following report.

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 849, have had the same under consideration and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Senate Bill 849 Ordered Not Printed

On motion of Senator Christie, and by unanimous consent, S. B. No. 849 was ordered not printed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 667, A bill to be entitled "An Act concerning the profession of Psychology, requiring licensing of psychologists, establishing a Texas State Board of Examiners of Psychologists, and making an appropriation; and declaring an emergency."

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Wilson that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

Pending discussion by Senator Connally of the motion to re-refer H. B. No. 797, Senator Hightower occupied the Chair.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

#### Senate Concurrent Resolution 99

Senator Bernal offered the following resolution:

S. C. R. No. 99, Paying tribute to Jose Francisco Ruiz and providing for proper observance of his birthday.

Whereas, The history of Texas, like an intricate and beautiful fabric, is richly interwoven with the contributions of individuals from various ethnic backgrounds; and

Whereas, Those earliest citizens of what is now the State of Texas were a courageous and freedom-loving people, whose indelible imprint is reflected in the culture and Spanish surnames that bind together in friendship the Southwestern States of this nation and the 28 states of the Republic of Mexico; and

Whereas, A great number of those first Texas-born liberals were in the forefront of the revolutionary movement which carried the Texas forces through the turbulent and bloody struggle against the tyrannical forces of General Antonio de Santa Ana and culminated in victory and the formation of the Republic of Texas; and

Whereas, Distinguished among those valiant Texans was Jose Francisco Ruiz, who, throughout his lifetime, fought for right, justice, and truth for the people of Texas in dedication to his belief in and desire to live under a democratic system of government; and

Whereas, Educated in Spain, he was exposed to the enlightenment philosophy that was sweeping Europe at the time, and when he returned home, he was one of the two native San Antonians to sign the Texas Declaration of Independence from Mexico; and

Whereas, He was the elected delegate from Bexar at Washington-on-the-Brazos, and again represented Bexar as Senator to the first Congress of the Republic of Texas; and

Whereas, He continued his devotion to liberty and his service to his people until his death on January 20, 1840, and he was at last laid to rest in the land he knew and loved as Texas; and

Whereas, The Texas Legislature wishes to recognize this illustrious and courageous Texian, Jose Francisco Ruiz, who lived and died by the principles that founded the Republic of Texas and made the United States of America the symbol of freedom throughout the world; now, therefore, be it

Resolved by the Senate of the 61st Legislature, the House of Representatives concurring, That the Texas Legislature hereby pay tribute to Jose Francisco Ruiz, a great Texas patriot and liberator; and, be it further

Resolved, That the birthday of Jose Francisco Ruiz, September 1, 1969, be celebrated officially by appropriate observances throughout the State of Texas in recognition of this distinguished Texian, whose significant role in Texas history is an inspiration to all who love liberty.

The resolution was read and was referred to the Committee on State Affairs.

#### House Bill 1147 Ordered Not Printed

On motion of Senator Moore, and by unanimous consent, H. B. No. 1147 was ordered not printed.

#### Presentation of Guests

The President recognized the presence in the gallery of the distinguished former Governor of Texas, The Honorable Price Daniel, accompanied by Mrs. Daniel and Mrs. Price Daniel, Jr. The Members of the Senate gave Governor Daniel a standing ovation.

On motion of Senator Blanchard, and by unanimous consent, Governor

and Mrs. Daniel and Mrs. Price Daniel, Jr., were granted privileges of the Senate floor.

The President announced the appointment of the following as a Committee to Escort Governor and Mrs. Daniel and Mrs. Daniel, Jr., to the Senate Chamber:

Senators Hall, Schwartz and Blanchard.

#### Motion to Reconsider Vote by Which House Bill 959 Was Finally Passed

By unanimous consent, Senator Berry moved that the vote by which H. B. No. 959 was finally passed be reconsidered (he having voted on the prevailing side) and that the motion to reconsider be Spread on the Senate Journal.

Senator Strong, under Senate Rule 53, requested immediate action on the motion to reconsider.

Pending discussion by Senator Strong of the motion to reconsider, Senator Moore moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, the motion to adjourn was lost by the following vote:

#### Yeas—4

Grover	Hazlewood
Harris	Moore

#### Nays—19

Aikin	Harrington
Bates	Hightower
Bernal	Kennard
Berry	Patman
Bridges	Ratliff
Brooks	Schwartz
Christie	Snelson
Cole	Strong
Connally	Wilson
Hall	

#### Absent

Blanchard	Mauzy
Creighton	McKool
Herring	Watson
Jordan	Word

Pending discussion by Senator Strong of the motion to reconsider, Senator Wilson moved the Previous Question on the motion to reconsider the vote by which H. B. No. 959 was finally passed and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question failed to be ordered by the following vote:

## Yeas—6

Aikin	McKool
Hall	Patman
Harrington	Wilson

## Nays—16

Bates	Harris
Bernal	Hazlewood
Berry	Hightower
Blanchard	Moore
Bridges	Ratliff
Brooks	Schwartz
Connally	Snelson
Grover	Strong

## Absent

Christie	Kennard
Cole	Mauzy
Creighton	Watson
Herring	Word
Jordan	

Pending discussion by Senator Grover of the motion to reconsider, Senator Moore moved the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, the motion was lost by the following vote:

## Yeas—6

Connally	Moore
Grover	Ratliff
Harris	Strong

## Nays—15

Aikin	Harrington
Bates	Hightower
Bernal	McKool
Berry	Patman
Blanchard	Schwartz
Bridges	Snelson
Brooks	Wilson
Hall	

## Absent

Christie	Jordan
Cole	Kennard
Creighton	Mauzy
Hazlewood	Watson
Herring	Word

Pending discussion by Senator Moore of the motion to reconsider, Senator Aikin occupied the Chair.

Pending the second discussion by Senator Strong of the motion to re-

consider, Senator Hightower occupied the Chair.

Senator Creighton was recognized for the purpose of speaking on the motion to reconsider the vote by which H. B. No. 959 was finally passed.

Question—Shall the vote by which H. B. No. 959 was finally passed be reconsidered?

## House Bill 310 on Second Reading

On motion of Senator Kennard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 310, A bill to be entitled "An Act amending Article 875, Penal Code of Texas, 1925, as amended, so as to exclude roadrunners from the unprotected bird list; and declaring an emergency."

The bill was read second time and was passed to third reading.

## Record of Vote

Senator Christie asked to be recorded as voting "Nay" on the passage of the bill to third reading.

## House Bill 736 on Second Reading

On motion of Senator Kennard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 736, A bill to be entitled "An Act relating to the protection of nongame birds; providing for certain exceptions; prescribing a penalty; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

Conference Committee Report  
on House Bill 84

Senator Jordan called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 84 and moved that the request be granted.

The motion prevailed.



The Presiding Officer asked if there were any motions to instruct the Conference Committee on H. B. No. 84 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jordan, Brooks, Mauzy, Herring and Hightower.

#### House Bill 790 on Second Reading

On motion of Senator Kennard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 790, A bill to be entitled "An Act creating a Texas Conservation Foundation; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### Conference Committee Report on House Bill 84

Senator Jordan submitted the following Conference Committee Report on H. B. No. 84:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 84, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JORDAN  
MAUZY  
HIGHTOWER  
HERRING  
BROOKS

On the part of the Senate

CALDWELL  
WELDON  
WRIGHT  
RAY  
PARKER

On the part of the House

The Conference Committee Report was read and was adopted.

#### Conference Committee Report on House Bill 930

Senator Herring, by unanimous consent, submitted the following Conference Committee Report on H. B. No. 930:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 930, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CREIGHTON  
CHRISTIE  
HERRING  
MOORE  
COLE

On the part of the Senate.

SHERMAN  
CORY  
PRICE  
HEATLY  
WAYNE

On the part of the House.

The Conference Committee Report was read and was adopted.

#### House Bill 615 on Second Reading

On motion of Senator Kennard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 615, A bill to be entitled "An Act creating the office of Public Defender of Tarrant County; providing for his appointment; defining his duties and responsibilities, and providing for the administration and financing of his office; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 467, To Committee on Education.

H. C. R. No. 118, To Committee on Contingent Expenses.

H. J. R. No. 57, To Committee on Constitutional Amendments.

H. J. R. No. 10, To Committee on Constitutional Amendments.

H. B. No. 1440, To Committee on County, District and Urban Affairs.

H. B. No. 792, To Committee on State Departments and Institutions.

#### Senate Bill 706 with House Amendment

By unanimous consent, Senator Kennard called S. B. No. 706 from the President's table for consideration of the House Amendment to the bill.

The Presiding Officer laid the bill and the following House Amendment before the Senate:

#### Committee Amendment No. 1

1. Amend the above-numbered Senate Bill by adding a new Section 3 to read as follows:

"Section 8 of Chapter 416, Acts of the 57th Legislature, Regular Session, 1961 (Article 8280-258, V.A.C.S.), is amended to read as follows:

Section 8. The District is empowered to obtain an appropriation permit or permits from the Texas Water Rights Commission and shall comply with the requirements of Chapter 1 of Title 128, Revised Civil Statutes of 1925, as amended."

2. Renumber Section 3 by changing it to Section 4.

3. Amend the caption accordingly.

The House Amendment was read.

Senator Kennard moved that the Senate concur in the House Amendment.

The motion prevailed.

#### Senate Bill 382 with House Amendment

By unanimous consent, Senator Mauzy called S. B. No. 382 from the President's table for consideration of the House Amendment to the bill.

The Presiding Officer laid the bill and the following House Amendment before the Senate:

#### Committee Amendment No. 1

Amend S. B. 382 by adding the following language at the end of Section 1 on line 45, page 1, and after the word "cities":

"Nothing in this Act shall affect in any way Water District or Conservation District created by Chapter 62, Acts of the Regular Session of the 52nd Legislature (Article 8280-141, Vernon's Annotated Civil Statutes) or by Chapter 78, Acts of the Regular Session of the 53rd Legislature (Article 8280-147, Vernon's Annotated Civil Statutes)."

The House Amendment was read.

Senator Mauzy moved that the Senate concur in the House Amendment.

The motion prevailed.

#### Motion to Reconsider Vote by Which House Bill 959 Was Finally Passed

The Senate resumed the consideration of the pending business, same being the motion by Senator Berry to reconsider the vote by which H. B. No. 959 was finally passed.

Question—Shall the vote by which H. B. No. 959 was finally passed be reconsidered?

Pending discussion by Senator Creighton of the motion to reconsider, Senator Moore moved that the Senate stand adjourned until 12:00 o'clock a. m. tomorrow.

The motion to adjourn was lost by the following vote:

#### Yeas—4

Creighton	Hazlewood
Grover	Moore

#### Nays—18

Aikin	Hightower
Bates	Kennard
Bernal	Mauzy
Berry	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Hall	Snelson
Harrington	Wilson

#### Absent

Blanchard	Harris
Cole	Herring
Connally	Jordan

Strong Word  
Watson

Question—Shall the vote by which H. B. No. 959 was finally passed be reconsidered?

#### House Bill 615 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 615 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Harrington
Bates	Hazlewood
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Creighton	Snelson
Grover	Strong
Hall	Wilson

#### Nays—2

Moore	Schwartz
-------	----------

#### Absent

Cole	Jordan
Connally	Watson
Harris	Word
Herring	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Question—Shall H. B. No. 615 be finally passed?

#### Motion to Reconsider Vote by Which House Bill 959 Was Finally Passed

The Senate resumed the consideration of the pending business, same being the motion by Senator Berry to reconsider the vote by which H. B. No. 959 was finally passed.

Question—Shall the vote by which H. B. No. 959 was finally passed be reconsidered?

Pending discussion by Senator Creighton of the motion, Senator Wilson moved the Previous Question on the motion to reconsider the vote by

which H. B. No. 959 was finally passed and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question failed to be ordered by the following vote:

#### Yeas—12

Aikin	Hightower
Bernal	McKool
Bridges	Patman
Brooks	Ratliff
Hall	Snelson
Harrington	Wilson

#### Nays—13

Berry	Kennard
Blanchard	Mauzy
Christie	Moore
Creighton	Schwartz
Grover	Strong
Harris	Watson
Herring	

#### Absent

Bates	Hazlewood
Cole	Jordan
Connally	Word

Pending further discussion by Senator Creighton of the motion, Senator Berry withdrew the motion to reconsider the vote by which H. B. No. 959 was finally passed.

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Wilson that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to to the Committee on State Departments and Institutions?

Pending discussion by Senator Connally of the motion to withdraw H. B. No. 797 from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions, Senator Strong made the substitute motion that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Privileges and Elections.

Pending discussion by Senator Strong of the motion to re-refer H. B. No. 797, Senator Wilson moved the Previous Question on the substitute motion by Senator Strong to re-refer H. B. No. 797 and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

(President in the Chair.)

The Previous Question was ordered by the following vote:

Yeas—14

Aikin	Hightower
Bates	McKool
Bernal	Patman
Bridges	Ratliff
Brooks	Snelson
Hall	Watson
Harrington	Wilson

Nays—11

Christie	Kennard
Connally	Mauzy
Creighton	Moore
Harris	Schwartz
Herring	Strong
Jordan	

Absent

Berry	Grover
Blanchard	Hazlewood
Cole	Word

Pending discussion by Senator Strong of the motion to re-refer H. B. No. 797, Senator Snelson occupied the Chair.

(President in the Chair.)

Pending further discussion by Senator Strong of his motion, Senator Moore moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Friday, May 23, 1969

The motion to adjourn was lost by the following vote:

Yeas—2

Moore	Strong
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Nays—15

Aikin	Bridges
Bates	Christie
Bernal	Hall
Blanchard	Harrington

Hightower	Snelson
Kennard	Watson
Mauzy	Wilson
McKool	

Absent

Berry	Hazlewood
Brooks	Herring
Cole	Jordan
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Harris	Word

Senator Moore raised the Point of Order that the last roll call did not show a quorum of the Senate present.

The President sustained the Point of Order.

Senator Bates then moved a Call of the Senate and the motion was duly seconded to secure and maintain a quorum for the following purpose:

For the final consideration of the substitute motion to re-refer H. B. No. 797 from the Committee on Parks and Wildlife to the Committee on Privileges and Elections.

Senator Strong raised the Point of Order that a motion to put a Call on the Senate was debatable.

The President overruled the Point of Order.

The Call of the Senate was ordered by the following vote:

Yeas—14

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Bridges	McKool
Brooks	Snelson
Harrington	Watson
Hightower	Wilson

Nays—5

Blanchard	Herring
Christie	Moore
Harris	

Present—Not Voting

Strong

Absent

Berry	Hazlewood
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Word
Hall	

Senator Bates then moved that all absent Members be sent for and arrested wherever they may be found, by the Senate Sergeant-at-Arms, or by any officers appointed by him, for that purpose and that their attendance be secured and retained.

#### At Ease

The President announced at 1:15 o'clock a.m. that the Senate would stand At Ease Subject to the Call of the Chair.

#### In Legislative Session

The President called the Senate to order at 1:30 o'clock a.m.

#### Quorum of the Senate Present

Senator Bates suggested that a quorum of the Senate was now present in the Senate.

The President directed the Secretary of the Senate to call the roll for the purpose of ascertaining if a quorum of the Senate was present.

The roll was called and the following Senators were present:

#### Present—21

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Herring	

#### Absent

Berry	Hazlewood
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Word

The President announced that a quorum of the Senate was present and recognized Senator Strong on his motion to withdraw H. B. No. 797 from the Committee on Parks and Wildlife and re-refer it to the Committee on Privileges and Elections.

(Senator Aikin in the Chair.)

(Senator Hightower in the Chair.)

Pending further discussion by Senator Strong of his substitute motion to

withdraw H. B. No. 797 from the Committee on Parks and Wildlife and re-refer to the Committee on Privileges and Elections, Senator Kennard raised the Point of Order that Senator Strong was leaning on his desk.

The Presiding Officer (Senator Hightower in the Chair) requested that Senator Strong refrain from leaning on his desk and stated that it was a First Warning.

Question—Shall the substitute motion by Senator Strong that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife re-referred to the Committee on Privileges and Elections be adopted?

#### Senate Concurrent Resolution 100

Senator Bernal, by unanimous consent, submitted the following resolution:

S. C. R. No. 100, Paying tribute to Jose Francisco Ruiz and providing for proper observance of his birthday.

Whereas, The history of Texas, like an intricate and beautiful fabric, is richly interwoven with the contributions of individuals from various ethnic backgrounds; and

Whereas, Those earliest citizens of what is now the State of Texas were a courageous and freedom-loving people, whose indelible imprint is reflected in the culture and Spanish surnames that bind together in friendship the Southwestern States of this nation and the 28 states of the Republic of Mexico; and

Whereas, A great number of those first Texas-born liberals were in the forefront of the revolutionary movement which carried the Texas forces through the turbulent and bloody struggle against the tyrannical forces of General Antonio de Santa Ana and culminated in victory and the formation of the Republic of Texas; and

Whereas, Distinguished among those valiant Texians was Jose Francisco Ruiz, who, throughout his lifetime, fought for right, justice, and truth for the people of Texas in dedication to his belief in and desire to live under a democratic system of government; and

Whereas, Educated in Spain, he was exposed to the enlightenment philosophy that was sweeping Europe

at the time, and when he returned home, he was one of the two native San Antonians to sign the Texas Declaration of Independence from Mexico; and

Whereas, He was the elected delegate from Bexar at Washington-on-the-Brazos, and again represented Bexar as Senator to the first Congress of the Republic of Texas; and

Whereas, He continued his devotion to liberty and his service to his people until his death on January 20, 1840, and he was at last laid to rest in the land he knew and loved as Texas; and

Whereas, The Texas Legislature wishes to recognize this illustrious and courageous Texian, Jose Francisco Ruiz, who lived and died by the principles that founded the Republic of Texas and made the United States of America the symbol of freedom throughout the world; now, therefore, be it

Resolved by the Senate of the 61st Legislature, the House of Representatives concurring, That the Texas Legislature hereby pay tribute to Jose Francisco Ruiz, a great Texas patriot and liberator; and, be it further

Resolved, That the birthday of Jose Francisco Ruiz, September 1, 1969, be celebrated officially by appropriate observances throughout the State of Texas in recognition of this distinguished Texian, whose significant role in Texas history is an inspiration to all who love liberty.

The resolution was read.

On motion of Senator Bernal, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the substitute motion by Senator Strong that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Privileges and Elections.

Question—Shall the substitute motion by Senator Strong that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and be re-referred to the Committee on Privileges and Elections be adopted?

Pending discussion by Senator Strong of his motion, Senator Aikin occupied the Chair.

On motion of Senator Wilson, and by unanimous consent, he withdrew his motion to withdraw H. B. No. 797 from the Committee on Parks and Wildlife and that it be re-referred to the Committee on Privileges and Elections.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

(Senator Hightower in the Chair.)

Senator Harris made the substitute motion that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Senator Bates moved the Previous Question on the motion that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and be re-referred to the Committee on Federal Programs and Relations and on the motion that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

#### Yeas—13

Aikin	Hightower
Bates	McKool
Bernal	Ratliff
Bridges	Snelson
Brooks	Watson
Hall	Wilson
Harrington	

#### Nays—11

Blanchard	Herring
Christie	Kennard
Connally	Mauzy
Creighton	Schwartz
Grover	Strong
Harris	

#### Absent

Berry	Moore
Cole	Patman
Hazlewood	Word
Jordan	

Senator Strong raised the Point of Order that the Previous Question could not be put on both a substitute motion and the motion to be substituted.

The Presiding Officer (Senator Hightower in the Chair) overruled the Point of Order, stating that the substitute motion was dependent on the original motion, and thus the Previous Question could be ordered on both at the same time.

(Senator Aikin in the Chair.)

Pending discussion by Senator Harris of the motion to re-refer H. B. No. 797, Senator Hightower occupied the Chair.

Pending further discussion by Senator Harris of the motion to re-refer H. B. No. 797 to the Committee on Federal Programs and Relations, Senator Bernal raised the Point of Order that Senator Harris was leaning on his chair.

The Presiding Officer (Senator Hightower in the Chair) sustained the Point of Order and requested Senator Harris to refrain from leaning on his chair and stated that this was a First Warning.

Pending discussion by Senator Harris of the motion to re-refer H. B. No. 797, Senator Aikin occupied the Chair.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

#### Senate Bill 147 With House Amendments

Senator Herring called S. B. No. 147 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend quoted Section 2.02 of Section 1 of Senate Bill No. 147 to read as follows:

"Section 2.02. Members of Board. The board is composed of six mem-

bers appointed by the governor with the advice and consent of the Senate. In making appointments, the governor shall, to the extent practicable, give consideration to providing a balanced geographic distribution of the board members, and no more than one legal resident of any given senatorial district may be appointed as a member."

#### Amendment No. 2

Amend Section 1 of Senate Bill No. 147 by changing quoted Section 2.03 to read as follows:

"Section 2.03. Terms of Board Members. The members of the board hold office for staggered terms of six years, with the term of two members expiring on the 1st day of September in each odd-numbered year. Each member holds office until his successor is appointed and has qualified."

#### Amendment No. 3

Amend Section 1 of Senate Bill No. 147 by striking quoted Section 2.05 and inserting in place of the part stricken the following:

"Section 2.05. Per Diem; Expenses. A member of the board is not entitled to a salary for duties performed as a member of the board. However, a member is entitled to \$25.00 for each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing or other authorized business, and is entitled to reimbursement for travel and other necessary expenses incurred in performing official duties, as evidenced by vouchers approved by the executive director."

#### Amendment No. 4

Amend Section 1 of Senate Bill No. 147 by striking quoted Section 2.06 and renumbering in sequence the succeeding sections in Subchapter B.

#### Amendment No. 5

Amend Section 1 of Senate Bill No. 147 by striking the phrase "an appointed" in Subsection (b) of quoted Section 2.04 and inserting in place of the part stricken the word "a."

#### Amendment No. 6

Amend Section 1 of Senate Bill No. 147 as amended by Committee S.

B. 147 Amendment No. 4 by changing the phrase in quoted Section 2.12 which reads "Section 2.11 or 2.12 of this code" to read "Section 2.10 or 2.11 of this Act."

#### Amendment No. 7

Amend Section 1 of Senate Bill No. 147 by re-lettering Subsections (b) and (c) of quoted Section 4.01 as Subsections (c) and (d), respectively, and by inserting a new Subsection (b) in quoted Section 4.01 immediately following Subsection (a) to read as follows:

"(b) In implementing paragraphs (2) and (3) of Subsection (a) of this Section, consideration shall be given to the state of existing technology, economic feasibility, and the water quality needs of the waters that might be affected."

#### Amendment No. 8

Amend Section 1 of Senate Bill No. 147 by inserting "thermal," between the comma and the words "chemical" in paragraph (12) of quoted Section 1.03.

#### Amendment No. 9

Amend Section 1 of Senate Bill No. 147 by inserting in Subsection (a) of quoted Section 1.05 between the phrase "water quality criteria," and the phrase "and other actions issued," the following: "water quality standards, water quality requirements,"

#### Amendment No. 10

Amend the caption of Senate Bill No. 147 by striking the phrase "continuing the current board members in office" and inserting in place of the part stricken the phrase "changing the composition and establishing the terms of office of the members of the board."

#### Amendment No. 11

Amend Senate Bill No. 147 by changing Section 2 to read as follows: "Section 2. The three members of the Texas Water Quality Board appointed or continued in office under the provisions of Section 4(a) of Chapter 313, Acts of the 60th Legislature, Regular Session, 1967 (Article 7621d-1, Vernon's Texas Civil Statutes), and who are in office when this Act goes into effect shall continue

in office as three of the six appointed members of the Texas Water Quality Board, as follows: Howard V. Rose, the presently serving member appointed to the term which began in November, 1963, and who was redesignated by the Governor as the member representing general public interests on November 23, 1965, shall serve for a period ending September 1, 1969; Jerry L. Brownlee, the presently serving member appointed to the term which began in November, 1965, shall serve for a period ending September 1, 1971; and, Gordon Fulcher, the presently serving member appointed to the term which began in November, 1967, shall serve for a period ending September 1, 1973. A person appointed as a member following the expiration of the term of office of a member named in the preceding sentence shall serve during a six-year term as provided in Section 2.03 of this Act.

"The governor shall also appoint the other three members of the board, as provided in Section 2.02 of this Act. The terms of these three members shall begin on September 1, 1969, and one shall be appointed for a two-year term, one for a four-year term, and one for a six-year term. A person appointed as a member following the expiration of the term of office of each of these three members shall serve during a six-year term as provided in Section 2.03 of this Act. After the effective date of this Act and until the governor completes the initial appointments of the three additional members of the board as provided in this paragraph, a majority of the board members who have qualified in accordance with Section 2.04 of this Act shall constitute a quorum to transact any business of the board and to exercise any and all duties, powers, and functions vested in the board by this Act; this provision shall expire and have no further effect as soon as the governor completes the initial appointments of the three additional members of the board."

#### Amendment No. 12

Amend Section 1 of Senate Bill No. 147 by striking quoted Section 3.23 and inserting in place of the part stricken the following:

"Section 3.23. Rating of Waste Disposal Systems. After consultation with the State Department of Health, the board shall provide by rule for a



system of approved ratings for municipal waste disposal systems and such other waste disposal systems as the board may designate. The owner or operator of a municipal waste disposal system which attains an approved rating has the privilege of erecting signs of a design approved by the board on highways approaching or within the boundaries of the municipality, subject to such reasonable restrictions and requirements as may be established by the Texas Highway Department. In addition, the owner or operator of any waste disposal system, including a municipal system, which attains an approved rating has the privilege of erecting signs of a design approved by the board at such locations as may be approved or established by the board, subject to such reasonable restrictions and requirements as may be imposed by any governmental entity having jurisdiction. If the waste disposal system fails to continue to achieve an approved rating, the board may revoke the privilege. On due notice from the board, the owner or operator of the system shall remove the signs."

The House amendments were read.

Senator Herring moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 147 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Herring, Cole, Brooks, Creighton and Ratliff.

#### Senate Bill 170 with House Amendment

Senator Harrington called S. B. No. 170 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. 170 by adding immediately after Section 2 new Section 3 reading as follows:

"Sec. 3. Any person who shall have in his possession or control any live alligators or hides at the effective date of this Act shall have until January 1, 1970, to legally dispose of the same."

Amend Section 3, 4, and 5 by renumbering the same to Section 4, 5 and 6 respectively.

The House amendment was read.

Senator Harrington moved that the Senate concur in the House amendment.

The motion prevailed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 770, A bill to be entitled "An Act relating to right-of-way at the intersection of a paved highway and an unpaved highway; amending Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Section 74a; and declaring an emergency."

H. B. No. 1430, A bill to be entitled "An Act relating to the terms of office of directors of the Liberty County Water Control and Improvement District Number Five; repealing Chapter 73, Acts of the 58th Legislature, Regular Session, 1963; and declaring an emergency."

H. B. No. 1133, A bill to be entitled "An Act amending Article 7146, Revised Civil Statutes of Texas, 1925, defining real property for the purpose of taxation, to include in such definition trailers or mobile homes, except those located within an assessing unit for less than 60 days or which are unoccupied or not for sale; and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act creating the Commission on

Organization of the Executive Branch of the Government and providing for its powers, duties and procedures; and declaring an emergency."

H. B. No. 748, A bill to be entitled "An Act amending Section 2, of Chapter 16, Acts of the 39th Legislature, First Called Session, 1926, (codified as Article 752b of Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 359, A bill to be entitled "An Act relating to the practice of professional nursing; amending Section 4, Article 4518, and Article 4528, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 927, A bill to be entitled "An Act relating to the salary of a stenographer or clerk for any district attorney in judicial districts composed of two or more counties; amending Section 1, Chapter 365, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 326k-19, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 947, A bill to be entitled "An Act relating to the removal of motor vehicles parked without consent in parking lots and the protection of persons in certain circumstances having motor vehicles removed and stored; and declaring an emergency."

H. B. No. 795, A bill to be entitled "An Act relating to certain prohibited conduct in parking areas maintained by business establishments; providing for penalties; and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act relating to crimes committed by persons under the influence of dangerous drugs; amending Article 36, Penal Code of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act amending Article 7467, Revised Civil Statutes of Texas, as amended, to provide that certain imported waters are property of the state; and declaring an emergency."

H. B. No. 656, A bill to be entitled "An Act amending Section (4A), Article III, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as added (Article 2922-13, Ver-

non's Texas Civil Statutes), relating to a transportation allotment for educable mentally retarded children; and declaring an emergency."

H. B. No. 935, A bill to be entitled "An Act relating to drivers of motor vehicles following other vehicles too closely, amending Subsection (a), Section 61, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947 (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 841, A bill to be entitled "An Act relating to the holding of a county convention in certain counties containing all or part of two senatorial districts; amending Subsection (a), Section 212, Texas Election Code, as amended (Article 13.34, Vernon's Texas Election Code); and declaring an emergency."

H. B. No. 1233, A bill to be entitled "An Act relating to creation of public authorities to assist in acquisition, construction, and improvement of educational and housing facilities for private institutions of higher education; authorizing the authorities to issue bonds and to accept grants for such purposes; prescribing related powers, duties, and limitations; and declaring an emergency."

H. B. No. 1088, A bill to be entitled "An Act amending Section 1 and Subsection (b) of Section 2, Article 46.02, Code of Criminal Procedure of Texas, 1965, as amended, relating to trial of the issue of insanity in advance of the trial on the merits and the applicable rules for trial of the issue of present insanity; and declaring an emergency."

H. B. No. 1006, A bill to be entitled "An Act defining offenses relating to theft, use, possession, purchase, sale, retention, forgery, fraud, possession of equipment or materials, and other activities connected with credit cards; prescribing penalties; and declaring an emergency."

H. B. No. 221, A bill to be entitled "An Act creating two Courts of Domestic Relations for Harris County, Texas, conforming the jurisdiction of other courts thereto; fixing their terms; providing the manner of selection, tenure, and compensation of the judges and other officers of said courts; providing the manner of and

grounds for the removal of the judges of said courts; providing for the membership of the Juvenile Board of Harris County; providing for appeals to higher courts; providing for the procedure of said courts; providing for the services of certain county and district officers to said courts; and declaring an emergency."

H. B. No. 1131, A bill to be entitled "An Act amending Paragraph (a) Subsection 2, Section III, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967 (Article 6228g, Vernon's Texas Civil Statutes), relating to participation of employees in the Texas County and District Retirement System; and declaring an emergency."

H. B. No. 470, A bill to be entitled "An Act relating to the compensation of the Chief Juvenile Probation Officer of Tarrant County; and declaring an emergency."

H. B. No. 1078, A bill to be entitled "An Act amending Article 666-4(b), Penal Code of Texas, 1925, making it lawful for any person in any area wet for the limited purpose of the sale of beer, or the sale of beer and wine, having first procured a permit of the class required for such privilege, to import into this State, export from the State, transport, distribute, possess for the purpose of sale, warehouse, and store liquor, distilled spirits, etc.; and declaring an emergency."

H. B. No. 1230, A bill to be entitled "An Act amending Section 1, Chapter 60, Acts of the 60th Legislature, Regular Session, 1967, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Smith County to the list of counties and areas regulated; and declaring an emergency."

H. B. No. 1322, A bill to be entitled "An Act relating to election of the board of hospital managers in certain hospital districts; amending Chapter 266, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4494n, Vernon's Texas Civil Statutes) to add a new Section 5c; and declaring an emergency."

All necessary rules suspended, and the Conference Committee Report on House Bill No. 84 adopted by a vote

of 133 ayes; 2 noes, 1 present not voting.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill 1018 by a vote of 137 ayes, 0 noes.

The House refused to concur in Senate amendments to House Bill No. 1438 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House conferees are: Kubiak, Hawkins, Hannah, Parker of Jefferson, and Beckham.

The House has concurred in Senate amendments to House Bill No. 1176 by voice vote.

H. C. R. No. 16, Granting permission for Norma B. Scott to bring suit against the State of Texas, and Harris County.

H. C. R. No. 116, Creating an interim Committee to continue the study initiated through H. C. R. No. 129 of the 60th Legislature.

H. C. R. No. 48, Granting permission for C. B. Dorsett to sue the State, and the Texas Highway Department.

H. C. R. No. 58, Granting permission for Frederick P. Adams to bring suit in any court of competent jurisdiction in Harris County, Texas, against Harris County.

H. C. R. No. 15, Granting permission for Alva B. Rutledge to sue the State and the Texas Highway Department.

H. B. No. 684, Returned to the Senate pursuant to provisions of S. C. R. 93.

H. C. R. No. 140, Granting Mr. Tilford Sulak permission to sue the State of Texas.

H. C. R. No. 145, Congratulating Dr. Herbert Edward Roensch.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 74 by a non-record vote.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 747 by a vote of 143 ayes, 0 noes.

H. B. No. 1463, A bill to be entitled "An Act relating to the creation, establishment, maintenance and op-

eration of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Olton Hospital District, prescribing the boundaries thereof; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures, etc.; and declaring an emergency.

H. B. No. 1470, A bill to be entitled "An Act amending Section 2a, Article II, Texas Liquor Control Act (Article 667-2a, Vernon's Texas Penal Code), relating to the status of a holder of a Distiller's Permit when the sale of distilled spirits has been prohibited by local option election in the area in which such permittee is located; and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 1217 by vote of 139 ayes, 0 noes, 1 present not voting.

H. B. No. 1462, A bill to be entitled "An Act relating to the creation, administration, powers, duties, and financing of the East Coke County Hospital District with boundaries of Commissioners Precincts 2 and 4 of Coke County, Texas, by authority of Article IX, Section 9, of the Texas Constitution; and declaring an emergency."

H. B. No. 1457, A bill to be entitled "An Act, amending Chapter 136, Acts of the 59th Legislature, Regular Session, 1965 (Article 6145-5, Vernon's Texas Civil Statutes), by transferring authority and responsibility for the preservation of Gethsemane Church from the State Building Commission to the State Historical Survey Committee; vesting authority and responsibility for the preservation of the structure known as the Carrington-Covert House in the State Historical Survey Committee; and declaring an emergency."

H. B. No. 1451, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 83rd Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 1452, A bill to be entitled "An Act relating to consent for a child to receive medical care from a

doctor, hospital, or other medical facility; and declaring an emergency."

H. B. No. 1453, A bill to be entitled "An Act relating to selling or offering for sale certain fish in Comanche County, etc.; and declaring an emergency."

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 111 by a non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 1462, To Committee on County, District and Urban Affairs.

#### Reports of Standing Committees

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,

May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1462, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD

Senator Moore, by unanimous consent, submitted the following report:

Austin, Texas,

May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 462, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman  
HIGHTOWER

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1367, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
CONNALLY  
WORD

Senator Wilson, by unanimous consent, submitted the following report:

Austin, Texas,  
May 14, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Banking, to which was referred H. B. No. 385, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILSON, Chairman  
CONNALLY  
BERRY  
BLANCHARD  
WORD  
BROOKS  
BRIDGES  
RATLIFF  
McKOOL  
WATSON  
SCHWARTZ  
HARRIS  
HALL

Senator Moore, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 1069, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman  
AIKIN  
BRIDGES

CONNALLY  
HAZLEWOOD  
HIGHTOWER  
WILSON  
WORD

#### House Bill 462 Ordered Not Printed

On motion of Senator Moore, and by unanimous consent, H. B. No. 462 was ordered not printed.

#### House Bill 1462 Ordered Not Printed

On motion of Senator Ratliff, and by unanimous consent, H. B. No. 1462 was ordered not printed.

#### Senate Bill 164 with House Amendments

Senator Hall called S. B. No. 164 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill No. 164 by striking all below the enacting clause and substituting therefor the following:

#### SUBCHAPTER A. GENERAL PROVISIONS

Section 1. Short Title. This Act may be cited as the Private Detectives, Private Investigators, Private Patrolmen, Private Guards and Managers Act, under certain circumstances.

Sec. 2. Definitions. In this Act, unless the context requires a different definition,

(1) "board" means the Texas Board of Private Detectives, Private Investigators, Private Patrolmen, Private Guards, and Managers;

(2) "private patrol operator, or operator of a private patrol service" means any person who furnishes or agrees to furnish a watchman, guard, patrolman, or other person to protect persons or property or to prevent theft, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind or who performs the service of a watchman, guard, patrolman, or other person for these purposes, but including managers as defined under Section 19 of this Act;

(3) "private detective or private investigator" means any person who

engages in the business or accepts employment to furnish, agrees to make, or makes any investigation for the purpose of obtaining information with reference to

(a) crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America;

(b) the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;

(c) the location, disposition, or recovery of lost or stolen property;

(d) the cause or responsibility for fires, libels, losses, accidents, damages or injuries to persons or to property; or

(e) securing evidence to be used before any court, board, officer, or investigating committee.

### Sec. 3. Entitlement to License Application.

(a) A person is entitled to apply for a license under this Act who

(1) is at least 21 years of age;

(2) is a citizen of the United States of America and the State of Texas;

(3) is of good moral character and temperate habits, who is not a convicted felon.

(4) complies with any other reasonable qualifications that the board may fix by rule.

(b) An applicant, or his manager, who applies for a license as a private investigator or a private detective shall have three years experience in the investigation field, or the equivalent as determined by the board.

(c) An applicant, or his manager, for a license as a private patrol operator shall have two years experience as a patrolman, guard, watchman, or the equivalent as determined by the board.

## SUBCHAPTER B. ADMINISTRATION.

Sec. 4. Creation of Board. A Texas Board of Private Detectives, Private Investigators, Private Patrolmen, and Private Guard Watchmen is created to carry out the functions and duties conferred upon it by this Act.

### Sec. 5. Board Membership.

The board is composed of the following members:

(1) the director of the Texas Department of Public Safety or his des-

ignated representative shall serve as an ex officio member of such board, and such service shall not jeopardize the individual's official capacity with the State of Texas;

(2) the attorney general or his designated representative shall serve as an ex officio member of such board, and such service shall not jeopardize the individual's official capacity with the State of Texas;

(3) one city or county law enforcement officer shall be appointed by the governor, with the advice and consent of the Senate;

(4) one member shall be appointed by the governor, with the advice and consent of the Senate, who is a citizen of the United States and a resident of the State of Texas, and who shall serve as chairman; and

(5) three members shall be appointed by the governor with the advice and consent of the Senate, who are licensed under this Act, who have been engaged for a period of five consecutive years as a private investigator, private guard, or as a law enforcement officer for any city, county, or state government, or for the federal government, and who are not employed by the same person or agency as any other member of the board. Person initially appointed to the board under the provisions of this subsection shall meet the qualifications required of applicants under the provisions of Section 3 of this Act in lieu of being licensed.

### Sec. 6. Oath of Office.

(a) The members of the board appointed by the governor and confirmed by the Senate shall take the constitutional oath of office before an officer authorized to administer an oath within this state.

(b) Upon presentation of the oath, together with the certificate of appointment, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members.

### Sec. 7. Terms of Office.

(a) Board members appointed by the governor with the advice and consent of the Senate serve terms of two years.

(b) The director of the Department of Public Safety and the attorney general, or their representatives, will serve on the board during their terms of office and shall perform the duties required of members of the Board by this Act in addition to those duties

required of them in other official capacities.

Sec. 8. Vacancies. The governor, with the advice and consent of the Senate, shall fill vacancies occurring among appointed members of the board with appointments for the duration of the unexpired term.

Sec. 9. Designated Representatives.

(a) The director of the Department of Public Safety may delegate to a personal representative from his office the authority and duty to represent him on the board.

(b) the designated representative may exercise all of the powers, duties, and responsibilities of the member while engaged in the performance of official board business, but a member is responsible for the acts and decisions of his delegated representative.

Sec. 10. Compensation of Board Members. The members of the board shall serve without pay but shall be reimbursed for their necessary and actual expenses. The number of employees and the salaries of each shall be fixed in the General Appropriations Bill.

Sec. 11. Rules of Procedure and Seal.

(a) The board has the power to make all necessary rules for its procedure.

(b) The board has a seal, the form of which it shall prescribe.

Sec. 12. Organization and Meetings of the Board.

(a) The board shall meet within 30 days after the effective date of this Act, and thereafter at regular intervals to be decided by a majority vote of the board.

(b) The board, including the representative of the director of the Department of Public Safety if he so designates one, shall elect from among its members a chairman, vice-chairman, and secretary to serve two-year terms, commencing on September 1, of each odd-numbered year. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the board and perform the other duties prescribed in this Act.

(c) A majority of the board constitutes a quorum to transact business.

(d) At the first meeting, the board shall specify the date and place of the first examinations for licenses to be held.

#### SUBCHAPTER C. LICENSES.

Sec. 13. License Required and False

Representation Prohibited.

(a) It shall be unlawful and punishable as provided in Section 46 of this Act for any person to engage in the business of, or perform any service as, a private detective, private investigator or private patrol operator or to offer his services in such capacities unless he is licensed under the provisions of this Act.

(b) It is unlawful and punishable as provided in Section 46 of this Act for any person to represent falsely that he is employed by a licensee.

Sec. 14. Exceptions.

(a) This Act does not apply to

(1) a person employed exclusively and regularly by one employer in connection with the affairs of an employer only and where there exists an employer-employee relationship;

(2) an officer or employee of the United States of America, or of this state or a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) a person engaged exclusively in the business of obtaining and furnishing information in relation to the financial rating of persons;

(4) an attorney-at-law or his agent in performing his duties;

(5) admitted insurers, agents, and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;

(6) the legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the term of a chattel mortgage;

(7) insurance adjusters and insurance adjusting firms;

(8) alarm agencies approved by the State Board of Insurance.

(b) the provisions of this Act do not prevent the local authorities of any city, county, or city and county, by ordinance and within the exercise of the police power of the city, county, or city and county, from imposing local regulations upon any street patrol special officer or upon any person who furnishes street patrol service or street patrol special officer, to require registration with an agency to be designated by the city, county or city and county, including in the registration full information as to the identification and employment of the individual.

# Sec. 15. Application and examination.

(a) An application for a license under this Act shall be in the form prescribed by the board. The application shall include:

(1) full name and business address of the applicant;

(2) name under which the applicant intends to do business;

(3) a statement as to the general nature of the business in which the applicant intends to engage;

(4) a statement as to the classification under which the applicant desires to be qualified;

(5) the full name and residence address of each of its partners, officers, and directors, and its manager, if the applicant is an entity other than an individual;

(6) two recent photographs of the applicant, of a type prescribed by the board;

(7) two classifiable sets of fingerprints;

(8) a verified statement of his experience qualifications;

(9) a letter from the police department and a letter from the sheriff's department of the city and county wherein the applicant resides concerning the character of the applicant and containing any objection or recommendation as to his application; and

(10) any other information, evidence, statements, or documents as may be required by the board.

(b) The board may require an applicant or his manager to demonstrate qualifications by a written or an oral examination, or a combination of both, to be determined by the board.

(c) Payment of the application fee prescribed by this Act entitles the applicant or his manager to one examination without further charge. If the person fails to pass the examination he shall not be eligible for any subsequent examination except upon payment of the re-examination fee prescribed in this Act for each subsequent examination.

## Sec. 16. Classification of License.

(a) No person may engage in any operation outside the scope of his license.

(b) For the purpose of defining the scope of licenses, the following license classifications are established:

(1) Class A: the private investigator license, covering operations as

defined in Section 2 of this Act;

(2) Class B: the private patrol operator license, covering operations defined in Section 2 of this Act.

(3) Class C: covering the operations included within Class A and Class B, as defined in Section 2 of this Act.

(c) A person licensed as a private patrol operator only may not make any investigation except as incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property which he has been hired or engaged to protect, guard, or watch.

## Sec. 17. License and Delinquency Fees.

(a) The fee for a Class A original license is \$150; for the renewal of a Class A license, the fee is \$100.

(b) The fee for a Class B original license is \$150; for the renewal of a Class B license, the fee is \$100.

(c) The fee for a Class C original license is \$225; for the renewal of a Class C license, the fee is \$175.

(d) A delinquency fee shall be for not less than \$10, nor more than \$25.

(e) All fees and moneys collected under this Act shall be deposited in the Treasury of the State of Texas.

Sec. 18. Denial of License. After a hearing the board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant, if an individual, has not, or if the applicant is a person other than an individual, that its manager and each of its officers, directors, and partners have not

(1) committed any act constituting dishonesty or fraud;

(2) committed any act, which, if committed by a licensee, would be a ground for the suspension or revocation of a license under this Act;

(3) committed any act resulting in conviction of a felony or a crime involving moral turpitude;

(4) a bad moral character, intemperate habits, or a bad reputation for truth, honesty, and integrity;

(5) been refused a license under this Act or had a license revoked;

(6) been an officer, director, partner, or manager of any person who has been refused a license under this Act or whose license has been revoked;

(7) while unlicensed, committed or aided and abetted the commission of any act for which a license is required by this Act; or



(8) knowingly made any false statements in his application.

**Sec. 19. Requirements for a Manager.**

(a) The business of each licensee shall be operated under the direction, control, charge, or management, in this state, of either the licensee or a manager, but no licensee shall be required to employ more than one manager.

(b) No person shall act as a manager of a licensee until he has complied with each of the following:

(1) demonstrated his qualifications by a written or oral examination, or a combination of both, if required by the director;

(2) made a satisfactory showing to the director that he has the qualifications prescribed by Section 3 and that none of the facts stated in Section 18 exist as to him.

(c) If the manager, who has qualified as provided in this section, ceases for any reason whatsoever to be connected with the licensee to whom the license is issued, the licensee shall notify the board in writing 30 days from such cessation. If notice is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the board pending the qualifications as provided in this Act, of another manager. If the licensee fails to notify the board within the 30-day period, his license shall be subject to suspension or revocation and may be reinstated only upon the filing of an application for reinstatement, payment of the reinstatement fee, if any be due, and the qualification of a manager as provided in this Act.

(d) When the individual on the basis of whose qualifications a license under this Act has been obtained ceases to be connected with the licensee for any reason whatsoever, the business may be carried on for such temporary period and under such terms and conditions as the board shall provide by regulation.

**Sec. 20. REVOCATION OF LICENSE.**

(a) The board may suspend or revoke a license issued under this Act if it determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager has

(1) made any false statement or given any false information in con-

nection with an application for a license or a renewal or reinstatement of a license;

(2) violated any provisions of this Act;

(3) been convicted of a felony or any crime involving moral turpitude or illegally using, carrying or possessing a dangerous weapon;

(4) violated any rule of the board adopted pursuant to the authority contained in this Act;

(5) impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee of the United States of America or of any state or of any political subdivision of either; except as may be authorized under Section 52 of this Act;

(6) willfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties;

(7) committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(8) knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee;

(9) acted as a runner or capper for any attorney; or

(10) committed any act with is a ground for denial of an application for license under this Act.

(b) The board may suspend or revoke a license issued under this Act if it determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, partners, or its manager, knowingly employed, or has in his employment any person who

(1) has committed any act, which, if committed by a licensee, would be grounds for suspension or revocation of a license under this Act;

(2) has been convicted of a felony or any crime involving moral turpitude;

(3) has a bad moral character, intemperate habits, or a bad reputation for truth, honesty, and integrity.

(c) The board may suspend or revoke a license issued under this Act if it determines that the licensee or his manager, if an individual, or any

of the officers, directors, partners, or the manager if the licensee is other than an individual, has

(1) used any letterhead, advertisement, or other printed matter, or in any manner illegally represented that he is an instrumentality of the federal government, state, or a political subdivision of either; or

(2) used a name different from that under which he is currently licensed on any advertisement, solicitation, or contract for business.

(d) The board may suspend or revoke a license issued under this Act if it determines that the licensee or his manager, if an individual, or any of the officers, directors, partners, manager, or other employee, if the licensee is a person other than an individual, has committed any act in the course of the licensee's business constituting dishonesty or fraud.

(e) "Dishonesty or fraud" as used in this section, includes

(1) knowingly making a false statement relating to evidence or information obtained in the course of employment, or knowingly publishing a slander or a libel in the course of a business;

(2) manufacture of evidence; or

(3) acceptance of employment adverse to a client or former client relating to a matter with respect to which the licensee has obtained confidential information by reason of or in the course of his employment by such client or former client.

**Sec. 21. EVIDENCE OF CONVICTION.** The record of conviction, or a certified copy, shall be conclusive evidence of a conviction as that term is used in this Act.

**Sec. 22. SUSPENSION OF LICENSE DUE TO MENTAL ILLNESS.**

(a) The adjudication of insanity or mental illness or the voluntary commitment or admission to a state hospital or other mental hospital of any licensee for a mental illness shall operate as a suspension of the right to practice of any licensee under this Act. The suspension continues until restoration to or declaration of sanity or mental competence.

(b) The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment, or order by the board,

the board shall immediately suspend the license of the person adjudicated or committed.

(c) The board shall not restore such licensee to good standing until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated, provided, that in the case of a voluntary commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent of the hospital that the licensee is restored to mental competency, shall constitute competent evidence of restoration to sanity. Before reinstating the person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

**Sec. 23. FORM OF LICENSES.** The license, when issued, shall be in the form prescribed by the board, and shall include

(1) the name of the licensee;

(2) the name under which the licensee is to operate; and

(3) the number and date of the license.

**Sec. 24. POSTING.** The license shall at all times be posted in a conspicuous place in the principal place of business of the licensee.

**Sec. 25. POCKET CARDS.** Upon the issuance of a license, a pocket card of such size, design, and content as may be determined by the board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers and partners, which card shall be evidence that the licensee is duly licensed pursuant to this Act. When any person to whom a card is issued terminates his position, office or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the board for cancellation.

**Sec. 26. CHANGE OF ADDRESS AND NEW OFFICERS.** A licensee shall, within 30 days after such change, notify the board of any and all changes of his address, of the name under which he does business and of any changes in its officers or partners.

Applications, on forms prescribed by the board, shall be submitted by all new officers or partners. The board

may suspend or revoke a license issued under this Act if they determine that at the time the person became an officer or partner of a licensee, any of the facts in Section 20 existed as to such person.

**Sec. 27. LICENSE NOT ASSIGNABLE.** A license issued under this Act is not assignable.

**Sec. 28. LICENSEE RESPONSIBLE FOR CONDUCT OF EMPLOYEES.** A licensee shall at all times be legally responsible for the good conduct in the business of each employee, including his manager.

**Sec. 29. DIVULGENCE OF INFORMATION.**

(a) Any licensee or officer, director, partner, or manager of a licensee shall divulge to any law enforcement officer or district attorney, or his representative, any information he may acquire as to any criminal offense, but he shall not divulge to any other person except as he may be required by law so to do, any information acquired by him except at the direction of the employer or client for whom the information was obtained.

(b) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report to his employer or client for whom information was being obtained.

(c) No written report shall be submitted to a client except by the licensee, qualifying manager, or a person authorized by one or either of them and such person submitting the report shall exercise diligence in ascertaining whether or not the facts and information are true and correct.

(d) No licensee, or officer, director, partner, manager, or employee of a licensee shall use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he is connected in any way with the federal government, a state government, or any political subdivision of a state government except as may be authorized in Section 52 of this Act.

**Sec. 30. EMPLOYEE RECORDS.** Each licensee shall maintain a record containing such information relative to his employees as may be prescribed by the board.

**Sec. 31. ADVERTISEMENTS.** Every advertisement by a licensee soliciting or advertising business shall

contain his name and address as they appear in the records of the board.

**Sec. 32. BRANCH OFFICES.**

(a) Each licensee shall file in writing with the board the address of each branch office, and within 10 days after the establishment, closing or changing of location of a branch office shall notify the board in writing of such fact.

(b) Upon application of a licensee the Board shall issue branch office certificates. The fee for a branch office certificate shall be \$50.

**Sec. 33. REGISTRATION OF EMPLOYEES OR PRIVATE INVESTIGATORS.**

(a) Except as otherwise provided in this Act, every employee of a licensee shall be registered with the board in the manner prescribed by this Act.

(b) Every person in the employ of a licensee on the effective date of this Act shall file with the board an application for registration within 14 days after such effective date.

(c) Every person entering the employ of a licensee after the effective date of this Act shall file with the board an application for registration within 14 days after the commencement of such employment.

(d) The application for registration under this Act shall be on a form prescribed by the board and shall be accompanied by the fee provided for in this Act.

**Sec. 34. THE APPLICATION SHALL BE VERIFIED AND SHALL INCLUDE:**

(a) The full name, residence address, residence telephone number, date and place of birth, and the Social Security number of the employee.

(b) A statement listing any and all names used by the employee, other than the name by which he is currently known, together with an explanation setting forth the place or places where each name was used, the date or dates of each use and a full explanation of the reasons why each such name was used. If the employee has never used a name other than that by which he is currently known, this fact will be set forth in the statement.

(c) The name and address of the employer and the date the employment commenced.

(d) The title of the position occupied by the employee and a description of his duties.

(e) Two recent photographs of the employee, of a type described by the

board, and two classifiable sets of his fingerprints.

(f) A letter from the police department and a letter from the sheriff's department of the city and county wherein the applicant resides concerning the character of the applicant and containing any objection or recommendation as to his application.

(g) Such other information, evidence, statements, or documents, as may be required by the board.

Sec. 35. Managers who are duly registered under other provisions of this Act shall not be required to register under Sections 33 and 34 of this Act.

Sec. 36. Notwithstanding any other provision of this Act, employees of a licensee who are employed exclusively as undercover agents or in the stenographic, typing, filing, clerical, private patrol, private guard, or other activities which do not constitute the work of a private investigator, as described in this Act, shall not be required to register under this Act.

Sec. 37. After a hearing the board may refuse to register any employee, or may suspend or revoke a previous registration, if the individual has committed any act which, if committed by a licensee, would be grounds for refusing to issue a license, or for the suspension or revocation of a license under this Act.

Sec. 38. Upon completion of registration the board shall issue to the registered employee a suitable pocket card. The exhibition of this card to a licensee shall be considered as prima facie evidence that the person is registered by the board.

Sec. 39. Each person registered under this Act shall notify the board in writing within 30 days of each change in employment by licensees. If such person ceases to be employed by a licensee, he shall notify the board in writing within 15 days and shall surrender the registration card to the board. If at some subsequent time such person is again employed by a licensee, he shall apply for a re-issuance of a registration card. Such application shall be on a form prescribed by the board and shall be accompanied by a registration fee required by this Act. Each employee while registered shall notify the board in writing within 30 days after any change in his residence address.

Sec. 40. The registration fee for employees of licensees required by

this Act shall be fixed by the board at not more than \$5 nor less than \$3.

Sec. 41. BONDS FILED FOR LICENSE. No license shall be issued under this Act unless the applicant files with the board a surety bond executed by a surety company authorized to do business in this state in the sum of Ten Thousand Dollars (\$10,000.00) conditioned to recover against the principal, its servants, officers, agents and employees by reason of its wrongful or illegal acts in conducting such business licensed under this Act.

Sec. 42. ACTION ON BONDS TO RECOVER DAMAGES. The bond required by this Act shall be made payable to the State of Texas, and anyone so injured by the principal, its servants, officers, agents and employees, shall have the right and be permitted to sue directly upon this obligation in their own names, and this obligation shall be subject to successive suits for recovery until complete exhaustion of the face amount hereof.

Sec. 43. SUSPENSION FOR FAILURE TO FILE SURETY BOND.

(a) Every licensee shall at all times maintain on file with the board the surety bond required by this Act in full force and effect and upon failure to do so, the license of such licensee shall be forthwith suspended and shall not be reinstated until an application therefor, in the form prescribed by the board, is filed together with a proper bond.

(b) The board may deny the application notwithstanding the applicant's compliance with this section:

(1) for any reason which would justify refusal to issue or a suspension or revocation of a license; or

(2) for the performance by applicant of any practice while under suspension for failure to keep his bond in force, for which a license under this Act is required.

(c) Bonds executed and filed with the board pursuant to this Act shall remain in force and effect until the surety has terminated future liability by a 30-day notice to the board.

Sec. 44. CASH DEPOSITED IN LIEU OF SURETY BOND. The sum of \$10,000 in cash may be deposited with the State of Texas, in lieu of the surety bond required by this Act.

**SUBCHAPTER D.  
ENFORCEMENT  
PROVISIONS.**

**Sec. 45. PENAL PROVISIONS.** Any person who knowingly falsifies the fingerprints or photographs submitted under Subsections (6) and (7) of Section 15, is guilty of a felony and upon conviction is punishable by imprisonment in the penitentiary for not more than five years. Any person who violates any of the other provisions of this Act is guilty of a misdemeanor punishable by fine not to exceed \$500 or by imprisonment in the county jail not to exceed one year, or both.

**Sec. 46. EXPIRATION AND RENEWAL OF LICENSE AND REGISTRATION CARD.**

(a) Licenses issued under this Act and the pocket cards issued pursuant thereto, shall expire at 12 p.m. on December 31, 1970, and thereafter at 12 p.m. on December 31 of each succeeding year if not, in each instance, renewed. To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this Act. On renewal, a renewal license and renewal pocket cards for persons mentioned in Section 16, shall be issued to the licensee.

(b) Renewal of a license shall not prohibit the bringing of disciplinary proceedings for an act committed before the effective date of the renewal.

**Sec. 47. ACTIVITY DURING SUSPENSION OF LICENSE.** A suspended license is subject to expiration and shall be renewed as provided in this Act, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

**Sec. 48. REINSTATEMENT OF A REVOKED LICENSE.** A revoked license is subject to expiration as provided in this Act, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if

any, accrued at the time of its revocation.

**Sec. 49. EXPIRATION OF LICENSES AND NEW LICENSES.** (a) A license which is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter.

(b) The holder of the license may obtain a new license only on compliance with all of the provisions of this Act relating to the issuance of an original license.

**Sec. 50. SEVERABILITY CLAUSE.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**Sec. 51. EMERGENCY CLAUSE.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force on the thirtieth day after its passage, and it is so enacted.

**Committee Amendment No. 2**

Amend Senate Bill No. 164 by striking all above the enacting clause and substituting the following:

**A BILL  
TO BE ENTITLED**

An Act creating the Texas Board of Private Detectives, Private Investigators, Private Patrolmen, Private Guards, and Managers under certain circumstances; providing for licensing and regulation of private investigators, private patrolmen, private guard watchmen, and managers under certain circumstances; requiring a surety bond to be filed for a license; setting the requirements and fees for licenses; providing for denial, revocation, or suspension of licenses; providing penalties for violation of the Act; providing a severability clause; and declaring an emergency.

**Floor Amendment No. 1**

Amend Committee Amendment Number 1 to S. B. No. 164 by adding

thereto a new Section 50, immediately following Section 49, and re-numbering all subsequent sections, such new Section 50 to read as follows:

Section 50. Any person aggrieved by any action of the Board in denying an application for a license, or in revoking a license, or in suspending a license, or in taking any disciplinary action with respect to a license under this Act, shall have the right to appeal such action or such decision to the District Court of the county of his residence, and the filing of such appeal in the District Court shall stay the effect of such action or decision until decided by the Court. In all appeals prosecuted in any of the Courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from Justice of the Peace Courts to County Courts. When such an appeal is filed and the Court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the Courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the Courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby specifically declares that the provisions of this Section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any Court to be invalid, unconstitutional or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect.

#### Floor Amendment No. 2

Amend Committee Amendment No. 1 to S. B. 164 by adding the phrase "(as those words are generally understood in the industry)" following the word "agent" and preceding the word

"or" as those words appear on line 31, page 10 of the printed Committee Amendment No. 1 to S. B. No. 164.

#### Floor Amendment No. 3

Amend the Committee Amendment to S. B. 164 by deleting the word "chairman" as the same appears in Sec. 12(b) on line 33; and by deleting the number "46" as the same appears in Sec. 13 on lines 46 and 50, and substituting therefor the number "45"; and by deleting the words "except as may be authorized in Section 52 of this Act" as the same appear in Sec. 28(d).

The House amendments were read.

Senator Hall moved that the Senate concur in the House amendments. The motion prevailed.

#### Motion to Re-refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

Pending discussion by Senator Harris of the motion to re-refer H. B. No. 797, Senator Hightower occupied the Chair.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and be re-referred to the Committee on Federal Programs and Relations?

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 132, Granting Roy Blackbird and wife, Maxine Blackbird permission to sue the State of Texas and the Highway Department of the State of Texas.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 161 by non-record vote.

H. B. No. 1444, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Fairwood Utility District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District the rights, powers, privileges, authority, and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the State with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for notice of right to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S., providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain

shall be limited to the county or counties within which District is situated and to situations where necessary to carry out the purposes for which District was created; providing District shall bear expenses of relocating, raising, or rerouting any highway, railroad, or utility lines or pipe lines made necessary by its exercise of power of eminent domain; defining 'sole expense'; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for a plumbing code; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding the requirements of Article 16, Section 59(d), Constitution of Texas as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency."

S. C. R. No. 97, Extending to the Legislative Budget Board and its 60 present and former members the appreciation of the Sixty-first Legislature for services rendered by the Board's members during the last 20 years.

S. C. R. No. 98, In memory of Clyde S. Constant.

H. B. No. 1460, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article XVI, Section 59, Constitution of Texas, to be known as the DeWitt County Countywide Conservation and Reclamation District; etc.; and declaring an emergency."

H.B. No. 1471, A bill to be entitled "An Act creating and establishing

a conservation and reclamation district under article XVI, Section 59, Constitution of Texas, known as "Louetta Road Utility District"; declaring district a governmental agency, body politic and corporate; defining the boundaries, etc.; and declaring an emergency.

H. B. No. 1461, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article XVI, Section 59, Constitution of Texas, to be known as the Lavaca County Countywide Conservation and Reclamation District, etc.; and declaring an emergency.

H. J. R. No. 56, Proposing Amendments to Sections 2 and 5, Article VII, Constitution of the State of Texas, relating to the classification of proceeds from leases and royalties of public school lands and lands which are a part of the permanent school fund.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Report of Standing Committee

Senator Harrington, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Interstate Cooperation, to which was referred H. B. No. 1399, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARRINGTON, Chairman  
BLANCHARD  
MOORE  
BERNAL  
MAUZY

#### House Bill 1399 Ordered Not Printed

On motion of Senator Aikin, and by unanimous consent, H. B. No. 1399 was ordered not printed.

#### House Bill 709 Re-referred

On motion of Senator Bates, and by unanimous consent, H. B. No. 709 was withdrawn from the Committee

on Jurisprudence and re-referred to the Committee on County, District and Urban Affairs.

#### Senate Bill 810 Re-referred

On motion of Senator McKool, and by unanimous consent, S. B. No. 810 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Departments and Institutions.

#### House Bill 363 Re-referred

On motion of Senator Bernal, and by unanimous consent, H. B. No. 363 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Departments and Institutions.

#### Senate Bill 575 Re-referred

On motion of Senator Brooks, and by unanimous consent, S. B. No. 575 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Departments and Institutions.

#### Report of Standing Committee

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institution to which was referred H. B. No. 363, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman  
BERNAL  
BRIDGES  
WILSON  
McKool

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to



the Committee on Federal Programs and Relations?

Pending discussion of Senator Harris of the motion to re-refer H. B. No. 797, Senator Aikin occupied the Chair.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 585, A bill to be entitled "An Act relating to creation of new judicial districts; providing for severability; and declaring an emergency."

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

(President in the Chair.)

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. C. R. No. 96, Expressing appreciation for the notable achievements of the Houston Job Fair.

S. C. R. No. 85, Granting Tom Rotello and wife, Lela Rotello, and Frances Rotello, a widow, permission to sue the State of Texas.

S. C. R. No. 73, Authorizing the Texas and Pacific Railway Company to sue the State of Texas, the county of Dallas and the Texas State Highway Department.

S. C. R. No. 69, Granting C. S. Alderson permission to sue the State of Texas and the University of Texas at Austin.

S. C. R. No. 67, Granting permission to Jasper L. Elston, et ux., to sue the State.

S. C. R. No. 60, Authorizing Senate Enrolling and Engrossing Clerk to make certain corrections in S. B. No. 153.

S. B. No. 761, A bill to be entitled "An Act relating to the existing requirement that a surplus lines agent, as defined by Article 1.14-2, Section 2(a), must also be an authorized agent under Article 21.14 which requirement fails to recognize the role and responsibility of managing general agents, as authorized by the Managing General Agents' Licensing Act, etc., and declaring an emergency."

S. B. No. 743, A bill to be entitled "An Act amending Article IV, Chapter, 173, Acts of the 47th Legislature, 1941 (codified as Article 6687b of Vernon's Texas Civil Statutes), relating to the issuance of drivers' licenses and regulations pertaining thereto, by amending Section 25 and adding a new section providing for the issuance of an occupational license; etc.; and declaring an emergency."

S. B. No. 729, A bill to be entitled "An Act amending Acts 1961, 57th Legislature, First Called Session, Chapter 32, governing El Paso County Water Authority by enlarging such Authority and containing a description of the territory to be included therein, etc., and declaring an emergency."

S. B. No. 704, A bill to be entitled "An Act amending statutes defining 'flood plain' and 'San Antonio River Basin'; amending Section 3(b) thereof by including the study, designation and regulation of flood plains therein; amending Section 3(f) thereof to include solid waste disposal as part of the District's sewage treatment powers within the San Antonio River Basin; etc., and declaring an emergency."

S. B. No. 525, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Donley County Hospital District, coextensive with the boundaries of Donley County, Texas; etc.; and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act changing the name of the Corpus Christi State School to the Bruce Reagan State School; and declaring an emergency."

S. B. No. 465, A bill to be entitled "An Act relating to mental health and mental retardation; etc.; and declaring an emergency."

S. B. No. 287, A bill to be entitled "An Act relating to the licensing of persons who fit and dispense hearing aids; relating to the creating, organization, powers, duties, and procedures of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; providing for certain prohibited acts; providing for penalties; and declaring an emergency."

S. C. R. No. 94, In memory of Lt. General H. Miller Ainsworth.

S. B. No. 781, A bill to be entitled "An Act relating to the practice of optometry and ophthalmic dispensing and related activities; etc.; and declaring an emergency."

#### Reports of Standing Committees

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 575, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman.  
WILSON  
AIKIN  
McKOOL  
MAUZY

Senator Creighton, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1413, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1285, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

Pending discussion by Senator Harris of the motion to re-refer H. B. No. 797, Senator Aikin occupied the Chair.

#### Senate Bill 850 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S. B. No. 850, A bill to be entitled "An Act authorizing creation of a Hospital District over part of Freestone County, to be known as the Teague Hospital District; prescribing a procedure for an election on the creation of the District and the levy of a tax for Hospital District purposes; providing the powers of the District and its governing body;

providing for the operation and financing of said District, including the procedures it is to follow; reciting proof of publication of constitutional notice; providing a severability clause; and declaring an emergency."

To the Committee on County, District and Urban Affairs.

#### Report of Standing Committee

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 22, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 850, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CONNALLY

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

Pending discussion by Senator Harris of the motion to re-refer H. B. No. 797, Senator Hightower occupied the Chair.

(President in the Chair.)

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

#### Recess

On motion of Senator Aikin the Senate at 3:00 o'clock p.m. took recess until 3:30 o'clock p.m. today.

#### After Recess

The Presiding Officer (Senator Hightower in the Chair) called the Senator to order at 3:30 o'clock p.m. today.

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Program and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

Pending discussion by Senator Harris of the motion to re-refer H. B. No. 797, Senator Word occupied the Chair.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 104, Granting Carrie May Dickson permission to sue the State of Texas.

H. C. R. No. 144, Giving Robert L. Menconi of San Antonio the consent of the State of Texas to bring suit against the State of Texas, the Texas Highway Department, and the Texas Highway Commission.

H. B. No. 337, A bill to be entitled "An Act creating and establishing in Corpus Christi, Nueces County, Texas, a fully State supported, coeducational institution of higher learning, to be known as Corpus Christi State University; establishing a Board of Regents and providing for its appointment, tenure and authority; prescribing the powers of the Board of Regents; providing for the collection

of fees and the acceptance of gifts and donations; providing that general laws affecting other State institutions of higher learning, not in conflict with this Act, shall apply to and govern Corpus Christi State University; authorizing contracts for courses in military training; providing that the several sections of this Act shall be severable; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 1219, A bill to be entitled "An Act authorizing the Governor's Office to arrange planning assistance for political subdivisions, to accept grants therefor from the Federal government or other sources, transferring property, records and personnel, providing an effective date, repealing laws in conflict; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. J. R. No. 56, To Committee on Constitutional Amendments.

H. C. R. No. 116, To Committee on Contingent Expenses.

H. B. No. 181, To Committee on Water and Conservation.

H. B. No. 221, To Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 359, To Committee on Public Health.

H. B. No. 470, To Committee on County, District and Urban Affairs.

H. B. No. 489, To Committee on State Affairs.

H. B. No. 656, To Committee on Education.

H. B. No. 748, To Committee on County, District and Urban Affairs.

H. B. No. 760, To Committee on Jurisprudence.

H. B. No. 770, To Committee on Jurisprudence.

H. B. No. 795, To Committee on Jurisprudence.

H. B. No. 841, To Committee on Privileges and Elections.

H. B. No. 927, To Committee on County, District and Urban Affairs.

H. B. No. 935, To Committee on Jurisprudence.

H. B. No. 947, To Committee on Jurisprudence.

H. B. No. 1006, To Committee on Jurisprudence.

H. B. No. 1078, To Committee on Jurisprudence.

H. B. No. 1088, To Committee on State Departments and Institutions.

H. B. No. 1131, To Committee on State Departments and Institutions.

H. B. No. 1133, To Committee on State Affairs.

H. B. No. 1230, To Committee on Parks and Wildlife.

H. B. No. 1233, To Committee on County, District and Urban Affairs.

H. B. No. 1322, To Committee on State Affairs.

H. B. No. 1430, To Committee on Water and Conservation.

H. B. No. 1444, To Committee on Water and Conservation.

H. B. No. 1451, To Committee on County, District and Urban Affairs.

H. B. No. 1452, To Committee on Public Health.

H. B. No. 1453, To Committee on Parks and Wildlife.

H. B. No. 1457, To Committee on State Departments and Institutions.

H. B. No. 1460, To Committee on Water and Conservation.

H. B. No. 1461, To Committee on Water and Conservation.

H. B. No. 1463, To Committee on County, District and Urban Affairs.

H. B. No. 1470, To Committee on County, District and Urban Affairs.

H. B. No. 1471, To Committee on Water and Conservation.

H. C. R. No. 132, To Committee on Jurisprudence.

H. C. R. No. 140, To Committee on Jurisprudence.

H. C. R. No. 58, To Committee on Jurisprudence.

H. C. R. No. 48, To Committee on Jurisprudence.

H. C. R. No. 16, To Committee on Jurisprudence.

H. C. R. No. 15, To Committee on Jurisprudence.

#### Reports of Standing Committees

Senator Hazlewood, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 847, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 1448, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 24, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 555, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1310, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1407, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 425, A bill to be entitled "An Act relating to the creation of the 237th District Court with juris-

diction in McLennan County; etc.; and declaring an emergency."  
(With Amendment.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committees

Senator Connally, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 1230, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Senator Kennard, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health to which was referred H. B. No. 1452, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman  
WILSON  
WORD  
CONNALLY  
BROOKS  
BERRY  
COLE

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred S. B. No. 822, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1433, A bill to be entitled "An Act relating to the creation, establishment, and operation of a county civil service system in certain counties; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 850 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. B. No. 850 was ordered not printed.

#### House Bill 555 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 555 was ordered not printed.

#### House Bill 1310 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 1310 was ordered not printed.

#### House Bill 1407 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 1407 was ordered not printed.

#### House Bill 459 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 459 was ordered not printed.

#### Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

(President in the Chair.)

(Senator Word in the Chair.)

**Senate Resolution 909**

Senator Watson offered the following resolution:

Whereas, The Record Industry Association of America, through its Board of Directors, has expressed great concern with respect to the unauthorized duplication of material from phonograph records and tapes that were originally released by reputable manufacturing companies for sale to the public; and

Whereas, The recording industry has long been plagued by counterfeiting and piracy, but these unauthorized or "bootleg" records are becoming more and more a problem since the development of Cassette tapes; it is estimated that one-fourth of all Cassette tapes now sold in this country have been illegally duplicated, and the economic drain on legitimate recording companies amounts to about \$30 million each year; and

Whereas, To produce a phonograph record or tape, a legitimate company must spend many hours of planning and work and invest considerable capital, with the net result a combination of artistic skill and mechanical ingenuity; the recording is a tangible property and the rights of the owner of the master record are tangible rights, carried as assets by recording firms, who have the right to sell, lease, trade, and exchange these rights domestically and on an international basis; and

Whereas, Individuals aware of the increasing popularity of records and tapes and cognizant of the inadequate civil protection afforded the lawful owners have been appropriating recordings for their own use and purposes of trade without consent of the lawful recording firms; as a result, several states, including New York and California, have introduced or adopted legislation designed to offer greater protection to legitimate recording companies; now, therefore, be it

Resolved, That the Senate of the 61st Legislature hereby create a special interim committee to study the growing problem of unauthorized reproduction of material from phonograph records and tapes; and, be it further

Resolved, That the committee shall be composed of three members of the

Senate and three members of the general public, all to be appointed by the Lieutenant Governor; and, be it further

Resolved, That the staff of the Texas Legislative Council shall serve as staff for the committee, and that the Attorney General, the Secretary of State, and radio and television broadcasters in Texas be requested to give assistance to the committee; and, be it further

Resolved, That actual expenses of members of the committee and other necessary expenses of operation in connection with committee activities be paid from the Contingent Expenses Fund of the Senate; the committee shall prepare a budget for its operating expenses, which shall be submitted to the Senate Contingent Expenses Committee, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expenses must also be obtained from the Senate Contingent Expenses Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed desirable, to the 62nd Legislature when it convenes in January, 1971.

The resolution was read and was referred to the Committee on Contingent Expenses.

**Senate Bill 667 With  
House Amendment**

By unanimous consent, Senator Kennard called S. B. No. 667 from the President's Table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1  
to S. B. No. 667**

Amend S. B. 667 by deleting Section 22(a) of said bill and substituting in lieu thereof the following:

"(a) the activities, services and use of official title on the part of a person employed as a psychologist by any federal, state, county or municipal agency, medical clinic organized as an unincorporated association, or research laboratories and business corporations provided such employees are performing those duties for which

they are employed by such organizations and within the confines of such organizations, or a duly chartered and accredited educational or charitable institution insofar as such activities and services are a part of the duties of his office or position as a psychologist with such agency or institution except that persons employed as psychologists who offer or provide psychological services to the public (other than lecture services) for a fee, monetary or otherwise, over and above the salary that they receive for the performance of their regular duties, and/or persons employed as psychologists by organizations that sell psychological services to the public (other than lecture services) for a fee, monetary or otherwise must be licensed under the provisions of this Act."

The House amendment was read.

Senator Kennard moved that the Senate concur in the House amendment.

The motion prevailed.

#### Reports of Standing Committees

Senator Hightower, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to which was referred S. R. No. 909, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman  
WORD  
AIKIN  
KENNARD  
HALL

Senator Connally, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 608, have had the same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 885, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 1353, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CONNALLY, Chairman  
BLANCHARD

#### House Bill 1413 Ordered Not Printed

On motion of Senator Cole, and by unanimous consent, H. B. No. 1413 was ordered not printed.

#### Senate Bill 125 With House Amendments

By unanimous consent, Senator Cole called S. B. No. 125 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### House Committee Amendment No. 1

Amend Senate Bill No. 125 by striking all after the enacting clause and inserting in place thereof the following:

Section 1. This Act may be cited as the Solid Waste Disposal Act. It is the policy of the state and the purpose of this Act to safeguard the health, welfare, and physical property of the people through controlling



the collection, handling, storage, and disposal of solid wastes.

Section 2. As used in this Act, unless the context requires a different definition:

(1) "person" means individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity;

(2) "department" means the Texas State Department of Health;

(3) "board" means the Texas Water Quality Board;

(4) "local government" means a county; an incorporated city or town; or a political subdivision exercising the authority granted under Section 6 of this Act;

(5) "solid waste" means all putrescible and non-putrescible discarded or unwanted solid materials, including municipal solid waste and industrial solid waste; as used in this Act, the term "solid waste" does not include, and this Act does not apply to: (i) soil, dirt, rock, sand and other natural and man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or (ii) waste materials which result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the Texas Railroad Commission;

(6) "municipal solid waste" means solid waste resulting from or incidental to municipal, community, trade, business and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

(7) "industrial solid waste" means solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, including discarded or unwanted solid materials suspended or transported in liquids, and discarded or unwanted materials in liquid or semi-liquid form; the term "industrial solid waste" does not include waste materials, the discharge of which is subject to the Texas Water Quality Act;

(8) "garbage" means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, includ-

ing waste materials from markets, storage facilities, handling, and sale of produce and other food products;

(9) "rubbish" means non-putrescible solid waste (excluding ashes), consisting of both combustible and non-combustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and non-combustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600° F to 1800° F);

(10) "sanitary landfill" means a controlled area of land upon which solid waste is disposed of in accordance with standards, regulations or orders established by the department or the board;

(11) "incineration" means the destruction of solid waste by burning in a furnace used for the volume reduction of solid waste (an incinerator); and

(12) "composting" means the controlled biological decomposition of organic solid waste under aerobic conditions.

Section 3. (a) The department is hereby designated the state solid waste agency with respect to the collection, handling, storage, and disposal of municipal solid waste, and shall be the coordinating agency for all municipal solid waste activities. The department shall be guided by the State Board of Health in its activities relating to municipal solid waste. The department shall seek the accomplishment of the purposes of this Act through the control of all aspects of municipal solid waste collection, handling, storage, and disposal by all practical and economically feasible methods consistent with the powers and duties given the department under this Act and other existing legislation. The department has the powers and duties specifically prescribed in this Act and all other powers necessary or convenient to carry out its responsibilities. The department shall consult with the board with respect to the water pollution control and water quality aspects, and with the Texas Air Control Board with respect to the air pollution control and ambient air quality aspects, of the matters placed under the jurisdiction of the department by this Act.

(b) The board is hereby designated the state solid waste agency with respect to the collection, handling, storage and disposal of industrial solid waste, and shall be the coordinating agency for all industrial solid waste activities. The board shall seek the accomplishment of the purposes of this Act through the control of all aspects of industrial solid waste collection, handling, storage and disposal by all practical and economically feasible methods consistent with the powers and duties given it under this Act and other existing legislation. The board has the powers and duties specifically prescribed in this Act and all other powers necessary or convenient to carry out its responsibilities. The board shall consult with the department with respect to the public health aspects, and with the Texas Air Control Board with respect to the air pollution control and ambient air quality aspects, of the matters placed under the jurisdiction of the board by this Act.

(c) Where both municipal solid waste and industrial solid waste are involved in any activity of collecting, handling, storing or disposing of solid waste, the department is the state agency responsible and has jurisdiction over the activity; and, with respect to that activity, the department may exercise all of the powers, duties and functions vested in the department by this Act.

Section 4. (a) As used in this section, the term "state agency" refers to either the department or the board, and "state agencies" means both the department and the board.

(b) The department is authorized to develop a state municipal solid waste plan, and the board is authorized to develop a state industrial solid waste plan. The state agencies shall coordinate the solid waste plans developed. Before a state agency adopts its solid waste plan or makes any significant amendments to the plan, the Texas Air Control Board shall have the opportunity to comment and make recommendations on the proposed plan or amendments, and shall be given such reasonable time to do so as the state agency may specify.

(c) Each state agency may adopt and promulgate rules and regulations consistent with the general intent and purposes of this Act, and establish minimum standards of operation for all aspects of the management and control of the solid waste over which

it has jurisdiction under this Act, including but not limited to collection, handling, and storage, and disposal by incineration, sanitary landfill, composting, or other method.

(d) Each state agency is authorized to inspect and approve sites used or proposed to be used for the disposal of the solid waste over which it has jurisdiction.

(e) Except as provided in Subsection (f) of this section with respect to certain industrial solid wastes, each state agency has the power to require and issue permits authorizing and governing the operation and maintenance of sites used for the disposal of solid waste. This power may be exercised by a state agency only with respect to the solid waste over which it has jurisdiction under this Act. If this power is exercised by a state agency, that state agency shall prescribe the form of and reasonable requirements for the permit application and the procedures to be followed in processing the application, to the extent not otherwise provided for in this subsection. The following additional provisions apply if a state agency exercises the power authorized in this subsection:

(1) The state agency to whom the permit application is submitted shall mail a copy of the application or a summary of its contents to the Texas Air Control Board, to the other state agency, to the mayor and health authorities of any city or town within whose extraterritorial jurisdiction the solid waste disposal site is located, and to the county judge and health authorities of the county in which the site is located. The governmental entities to whom the information is mailed shall have a reasonable time, as prescribed by the state agency to whom the application was originally submitted, to present comments and recommendations on the permit application before that state agency acts on the application.

(2) A separate permit shall be issued for each site. The permit shall include the names and addresses of the person who owns the land where the waste disposal site is located and the person who is or will be the operator or person in charge of the site; a legal description of the land on which the site is located; and the terms and conditions on which the permit is issued, including the duration of the permit.

(3) The state agency may extend or renew any permit it issues in accordance with reasonable procedures prescribed by the state agency. The procedures prescribed in paragraph (1) of this Subsection (e) for permit applications apply also to applications to extend or renew a permit.

(4) If a permit is issued, renewed, or extended by a state agency in accordance with this Subsection (e), the owner or operator of the site does not need to obtain a license for the same site from a county, or from a political subdivision exercising the authority granted in Section 6 of this Act.

(5) A permit is issued in personam and does not attach to the realty to which it relates. A permit may not be transferred without prior notice to and prior approval by the state agency which issued it.

(6) The state agency has the authority, for good cause, after hearing with notice to the permittee and to the governmental entities named in paragraph (1) of this Subsection (e), to revoke or amend any permit it issues for reasons pertaining to public health, air or water pollution, land use, or violation of this Act or of any other applicable laws or regulations controlling the disposal of solid waste.

(f) This subsection applies to the collection, handling, storage, and disposal of industrial solid waste which is disposed of within the property boundaries of a tract of land owned and controlled by the owners or operators of the particular industrial plant, manufacturing plant, mining operation, or agricultural operation from which the waste results or is produced, and which tract of land is within 50 miles from the plant or operation which is the source of the industrial solid waste. This subsection does not apply if the waste is collected, handled, stored, or disposed of with solid waste from any other source or sources. The board may not require a permit under this Act for the disposal of any solid waste to which this subsection applies, but this does not change or limit any authority the board may have with respect to the requirement of permits, the control of water quality, or otherwise, under the Texas Water Quality Act. However, the board may adopt rules and regulations as provided under Subsection (c) of this section to

govern and control the collection, handling, storage, and disposal of the industrial solid waste to which this subsection applies so as to protect the property of others, public property and rights-of-way, groundwater, and other rights requiring protection. The board may require a person who disposes or plans to dispose of industrial solid waste under the authority of this subsection to submit to the board such information as may be reasonably required to enable the board, or the executive director of the board when so authorized by the board, to determine whether in the judgment of the board or the executive director the waste disposal activity is one to which this subsection applies.

(g) The state agencies may, either individually or jointly:

(1) provide educational, advisory, and technical services to other agencies of the state, regional planning agencies, local governments, special districts, institutions, and individuals with respect to solid waste management and control, including collection, storage, handling and disposal;

(2) assist other agencies of the state, regional planning agencies, local governments, special districts, and institutions in acquiring federal grants for the development of solid waste facilities and management programs, and for research to improve the state of the art; and

(3) accept funds from the federal government for purposes relating to solid waste management, and to expend money received from the federal government for those purposes in the manner prescribed by law and in accordance with such agreements as may be necessary and appropriate between the federal government and each state agency.

If a state agency engages in any of the programs and activities named in this subsection on an individual basis, it may do so only as the participation by that state agency is related to the management and control of the solid waste over which it has jurisdiction. When the state agencies do not participate jointly, they shall coordinate on any efforts undertaken by either one individually so that similar programs and activities of the state agencies will be compatible.

(h) The state agencies are authorized to administer and expend state funds provided to them by legislative appropriations, or otherwise, for the

purpose of making grants to local governments for solid waste planning, the installation of solid waste facilities, and the administration of solid waste programs. The grants made under the terms of this Act shall be distributed in a manner determined by the state agency to whom the appropriation is made. Any financial assistance granted by the state through either of the state agencies to any local government under the terms of this Act must, at a minimum, be equally matched by local government funds.

Section 5. (a) Every county has the solid waste management powers which are enumerated in this Section 5. However, the exercise of the licensing authority and other powers granted to counties by this Act does not preclude the department or the board from exercising any of the powers vested in the department or the board under other provisions of this Act, including specifically the provisions authorizing the department and the board to issue permits for the operation and maintenance of sites for the disposal of solid waste. The powers specified in Subsections (d), (e), and (g) of this Section may not be exercised by a county with respect to the industrial solid waste disposal practices and areas to which Subsection (f) of Section 4 of this Act applies. The department or the board, by specific action or directive, may supersede any authority or power granted to or exercised by a county under this Act, but only with respect to those matters which are, under this Act, within the jurisdiction of the state agency acting.

(b) A county is authorized to appropriate and expend money from its general revenues for the collection, handling, storage and disposal of solid waste and for administering a solid waste program, and to charge reasonable fees for the services.

(c) A county may develop county solid waste plans and coordinate those plans with the plans of local governments, regional planning agencies, other governmental entities, the department, and the board.

(d) Except as provided in Subsection (a) of this section, a county is empowered to require and issue licenses authorizing and governing the operation and maintenance of sites used for the disposal of solid waste in areas not within the territorial limits of incorporated cities and towns. If this power is exercised, the

county shall prescribe the form of and reasonable requirements for the license application and the procedures to be followed in processing the application, to the extent not otherwise provided for in this subsection. The following additional provisions apply if a county exercises the power authorized in this Subsection (d):

(1) The county shall mail a copy of the license application or a summary of its contents to the department, the board, and the Texas Air Control Board, and to the mayor and health authorities of any city within whose extraterritorial jurisdiction the solid waste disposal site is located. The governmental entities to whom the information is mailed shall have a reasonable time, as prescribed by the county, to submit comments and recommendations on the license application before the county acts on the application.

(2) A separate license shall be issued for each site. The license shall include the names and addresses of the person who owns the land where the waste disposal site is located and the person who is or will be the operator or person in charge of the site; a legal description of the land on which the site is located; and the terms and conditions on which the license is issued, including the duration of the license. The county is authorized to charge a fee for a license of not to exceed \$100.00, as set by the commissioners' court of the county. Receipts from the fees shall be placed in the general revenue fund of the county.

(3) The county may extend or renew any license it issues in accordance with reasonable procedures prescribed by the county. The procedures described in paragraph (1) of this Subsection (d) apply also to applications to extend or renew a license.

(4) No license for the use of a site for disposal of solid waste may be issued, renewed, or extended without the prior approval, as appropriate, of the department or the board, or the executive director of the board when so authorized by the board. If a license is issued, renewed, or extended by a county in accordance with this Subsection (d), the owner or operator of the site does not need to obtain a permit from the department or the board for the same site.

(5) A license is issued in personam and does not attach to the realty to which it relates. A license may not be transferred without prior notice to

and prior approval by the county which issued it.

(6) The county has the authority, for good cause, after hearing with notice to the licensee and to the governmental entities named in paragraph (1) of this Subsection (d), to revoke or amend any license it issues for reasons pertaining to public health, air or water pollution, land use, or violation of this Act or of any other applicable laws or regulations controlling the disposal of solid waste. For like reasons, the department and the board each may, for good cause, after hearing with notice to the licensee, the county which issued the license, and the other governmental entities named in paragraph (1) of this Subsection (d), revoke or amend any license issued by a county, but only as to those sites which fall, under the terms of this Act, within the jurisdiction of the state agency acting.

(e) Subject to the limitation specified in Subsection (a) of this section, a county may designate land areas not within the territorial limits of incorporated cities and towns as suitable for use as solid waste disposal sites. The county shall base these designations on the principles of public health, safety, and welfare, including proper land use, compliance with state statutes, the reasonable projections of growth and development for any city or town within whose extraterritorial jurisdiction the land area may be located, and any other pertinent considerations.

(f) A county is authorized to enforce the requirements of this Act and the rules and regulations promulgated by the department and the board as related to the handling of solid waste.

(g) Subject to the limitation prescribed in Subsection (a) of this section, a county, acting through its commissioners' court, may make regulations for the areas of the county not within the territorial limits of incorporated cities and towns to provide for governing and controlling solid waste collection, handling, storage and disposal. The regulations shall not authorize any activity, method of operation or procedure which is prohibited by this Act or by the rules and regulations of the department or the board. The county shall not, in its regulations, under the licensing power granted in this Act, or otherwise, prohibit the use of a site within the county for the

disposal of solid waste on the basis that the solid waste originates outside that county, or impose any unreasonable requirements on the disposal of such solid waste in the county not warranted by the circumstances. The county may institute legal proceedings to enforce its regulations.

(h) A county may enter into cooperative agreements with local governments and other governmental entities for the purpose of the joint operation of solid waste collection, handling, storage and disposal facilities, and to charge reasonable fees for the services.

Section 6. This section applies to a political subdivision of the state which has jurisdiction over two or more counties or parts of two or more counties, and which has been granted the power by the Legislature to regulate solid waste handling or disposal practices or activities within its jurisdiction. The governing body of such a political subdivision may, by formal resolution, assume for the political subdivision the exclusive authority to exercise, within the area subject to its jurisdiction, the powers granted in this Act to a county, to the exclusion of the exercise of the same powers by the counties otherwise having jurisdiction over the area. In the exercise of these powers the political subdivision is subject to the same duties, limitations and restrictions applicable to counties under this Act. When a political subdivision assumes this authority, it shall also serve as the coordinator of solid waste handling and disposal practices and activities for all cities, counties and other governmental entities within its jurisdiction which have solid waste disposal regulatory powers or engage in solid waste handling or disposal practices or activities. Once a political subdivision assumes the authority granted in this section, it is empowered to and shall exercise the authority so long as the resolution of the political subdivision remains in effect.

Section 7. The authorized agents or employees of the department, the board, and local governments have the right to enter at all reasonable times in or upon any property, whether public or private, within the governmental entity's jurisdiction, including the case of an incorporated city or town its extraterritorial jurisdiction, for the purpose of inspect-

ing and investigating conditions relating to solid waste management and control. Agents and employees shall not enter private property having management in residence without notifying the management, or the person in charge at the time, of their presence and exhibiting proper credentials. The agents and employees shall observe the rules and regulations of the establishment being inspected concerning safety, internal security, and fire protection.

Section 8. (a) No person may cause, suffer, allow or permit the collection, storage, handling or disposal of solid waste, or the use or operation of a site for the disposal of solid waste, in violation of this Act or of the rules, regulations, permits, licenses or other orders of the department or the board, or a county or a political subdivision exercising the authority granted in Section 6 of this Act within whose jurisdiction the violation occurs.

(b) Any person who violates any provision of this Act or of any rule, regulation, permit, license, or other order of the department or the board, or a county or a political subdivision exercising the authority granted in Section 6 of this Act within whose jurisdiction the violation occurs, is subject to a civil penalty of not less than \$50.00 nor more than \$1,000.00 for each act of violation and for each day of violation, as the court may deem proper, to be recovered in the manner provided in this Section 8.

(c) Whenever it appears that a person has violated, or is violating or threatening to violate, any provision of this Act, or of any rule, regulation, permit, or other order of the department or the board, then the department or the board, or the executive director of the board when so authorized by the board, may cause a civil suit to be instituted in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation, or for the assessment and recovery of a civil penalty of not less than \$50.00 nor more than \$1,000.00 for each act of violation and for each day of violation, as the court may deem proper, or for both injunctive relief and civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this Act or any rule, regulation, permit, or other order of

the department or the board, the district court shall grant appropriate injunctive relief. At the request of the department or the board, or the executive director of the board when so authorized by the board, the attorney general shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty, or for both injunctive relief and penalty, as authorized in this subsection.

(d) Whenever it appears that a violation or threat of violation of any provision of this Act, or of any rule, regulation, permit, license, or other order of the department, the board, a county, or a political subdivision exercising the authority granted in Section 6 of this Act, has occurred or is occurring within the jurisdiction of that county or political subdivision, the county or political subdivision, in the same manner as the board and the department, may cause a civil suit to be instituted in a district court through its own attorney for the injunctive relief or civil penalties, or both, as authorized in Subsection (c) of this section, against the person who committed, is committing, or is threatening to commit, the violation.

(e) Whenever it appears that a violation or threat of violation of any provision of this Act, or of any rule, regulation, permit, license, or other order of the department, the board, a county, or a political subdivision exercising the authority granted in Section 6 of this Act, has occurred or is occurring within the area of the extraterritorial jurisdiction of an incorporated city or town, or is causing or will cause injury to or an adverse effect on the health, welfare or physical property of the city or town or its inhabitants, then the city or town, in the same manner as the board and the department, may cause a civil suit to be instituted in a district court through its own attorney for the injunctive relief or civil penalties, or both, as authorized in Subsection (c) of this section, against the person who committed, is committing, or is threatening to commit, the violation.

(f) A suit for injunctive relief or for recovery of a civil penalty, or for both injunctive relief and penalty, may be brought either in the county where the defendant resides or in the county where the violation or threat of violation occurs. In any suit

brought to enjoin a violation or threat of violation of this Act or of any rule, regulation, permit, license or other order of the board, the department, a county, or a political subdivision exercising the authority granted in Section 6 of this Act, the court may grant the governmental entity bringing the suit, without bond or other undertaking, any prohibitory or mandatory injunction the facts may warrant, including temporary restraining orders after notice and hearing, temporary injunctions, and permanent injunctions.

(g) In a suit brought by a local government under Subsection (d) or (e) of this section, the board and the department are necessary and indispensable parties.

(h) Any party to a suit may appeal from a final judgment as in other civil cases.

(i) All civil penalties recovered in suits instituted under this Act by the State of Texas through the board or the department shall be paid to the General Revenue Fund of the State of Texas. All civil penalties recovered in suits first instituted by a local government or governments under this Act shall be equally divided between the State of Texas on the one hand and the local government or governments on the other, with 50 per cent of the recovery to be paid to the General Revenue Fund of the State of Texas and the other 50 per cent equally to the local government or governments first instituting the suit.

Section 9. A person affected by any ruling, order, decision, or other act of the department or the board may appeal by filing a petition in a district court of Travis County. A person affected by any ruling, order, decision, or other act of a county, or of a political subdivision exercising the authority granted in Section 6 of this Act, may appeal by filing a petition in a district court having jurisdiction in the county or political subdivision. The petition must be filed within 30 days after the date of the action, ruling, order, or decision of the governmental entity complained of. Service of citation must be accomplished within 30 days after the date the petition is filed. The plaintiff shall pursue his action with reasonable diligence. If the plaintiff does not prosecute his action within one year after the action is filed, the court

shall presume that the action has been abandoned. The court shall dismiss the suit on a motion for dismissal made by the governmental entity whose action is appealed, unless the plaintiff, after receiving due notice, can show good and sufficient cause for the delay. In an appeal from an action by the department, the board, a county, or a political subdivision exercising the authority granted in Section 6 of this Act, the issue is whether the action is invalid, arbitrary or unreasonable.

Section 10. This Act is cumulative of and supplemental to any other laws and parts of laws relating to the same subject and does not repeal those other laws or parts of laws. Nothing in this Act diminishes or limits, or is intended to diminish or limit, the authority of the department, the board, the Texas Air Control Board, or local governments in performing any of the powers, functions, and duties vested in those governmental entities by other laws.

Section 11. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part.

Section 12. Emergency Clause. The importance to the public of the amendments in this Act creates an emergency and imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### House Committee Amendment No. 2

Amend Senate Bill No. 125 by striking all above the enacting clause and inserting in place of the part stricken the following:

#### A BILL TO BE ENTITLED

An Act relating to the control of the collection, handling, storage, and disposal of putrescible and non-putrescible discarded or unwanted

materials, including solid materials and certain materials in liquid or semi-liquid form, referred to in this Act as "solid waste"; prescribing the duties, powers, and functions of the State Department of Health, the Texas Water Quality Board, counties, cities, and certain other political subdivisions of the state relative to solid waste management programs and control; prohibiting the collection, handling, storage or disposal of solid waste or the use or operation of sites for the disposal of solid waste in violation of this Act or of any rules, regulations, permits, licenses, or other orders promulgated under this Act; prescribing penalties for violations and providing for enforcement; providing for severability; and declaring an emergency.

The House amendments were read.

Senator Cole moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 138 With House Amendments

By unanimous consent, Senator Cole called S. B. No. 138 from the President's Table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### House Committee Amendment No. 1

Amend quoted Section 2 of Section 1 of Senate Bill No. 138 by striking from Subsection (e) of quoted Section 2 all after the words "pollution of fresh water;"

#### House Committee Amendment No. 2

Amend quoted Section 3 of Section 1 of Senate Bill No. 138 by striking from Subsection (a) of quoted Section 3 the words "salt water or other" where they appear in the first sentence of said Subsection (a).

#### House Committee Amendment No. 3

Amend quoted Section 3 of Section 1 of Senate Bill No. 138 by striking from the first Subsection (c) of quoted Section 3 the words "or the executive director" where they appear in the first sentence of said first Subsection (c).

#### House Committee Amendment No. 4

Amend quoted Section 3 of Section 1 of Senate Bill 138 by changing the latter designation of the second Subsection (c) of quoted Section 3 from "(c)" to "(e)", and by striking the words "salt water or other" where they appear in said Subsection.

#### House Committee Amendment No. 5

Amend quoted Section 4 of Section I of Senate Bill No. 138 by striking from the title of quoted Section 4 the words "SALT WATER OR OTHER"; by striking from Subsection (a) of quoted Section 4 the words "salt water or other" where they appear in the first sentence of said Subsection (a); and by changing the first sentence in Subsection (b) of quoted Section 4 to read as follows:

"Any person applying to the commission for a permit to inject waste arising out of or incidental to the drilling for or the producing of oil or gas into a subsurface stratum shall submit with the application a letter from the board stating that the drilling of the injection well and the injection of such waste into the subsurface stratum will not endanger the fresh water strata in that area and that the formation or strata to be used for such waste disposal are not fresh water sands."

#### House Floor Amendment No. 1

Amend quoted Section 2 of Section 1 of Senate Bill No. 138 by changing the period at the end of Subsection (h) in quoted Section 2 to a semicolon, and by adding a new Subsection (i) at the end of quoted Section 2, to read as follows:

of Subsection (e) of this Section, of Subsection (e) of this section, 'waste arising out of or incidental to the drilling for or the producing of oil or gas' includes, but is not limited to, the following items when they result from such drilling or producing activities: salt water, brine, sludge, drilling mud, and other liquid or semi-liquid waste materials."

The House amendments were read.

Senator Cole moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 225 With House Amendments

By unanimous consent, Senator Cole called S. B. No. 225 from the Presi-



dent's Table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**House Committee Amendment No. 1**

Amend Senate Bill No. 225 by changing the words "injury" where it appears in Subsection (a) of Section 3.12 to read "injure."

**House Committee Amendment No. 2**

Amend Senate Bill No. 225 by changing the number "3.23" where it appears in Subsection (b) of Section 3.07 to read "3.05."

**House Committee Amendment No. 3**

Amend Senate Bill No. 225 by changing Subsection (c) of Section 3.01 to read as follows:

"(c) The regulatory powers of the authority under this Act extend to every person, as that term is defined in this Act."

**House Committee Amendment No. 4**

Amend Senate Bill No. 225 by re-numbering the present Sections 2, 3 and 4 as Sections 3, 4 and 5, respectively, and by inserting a new Section 2 immediately after Section 5.08 to read as follows:

"Sec. 2. In the event of any conflict between the provisions of this Act and the Texas Water Quality Act, the provisions of the Texas Water Quality Act shall control."

**House Committee Amendment No. 5**

Amend Senate Bill No. 225 by striking the first sentence in Section 5.06 and inserting in place of the part stricken the following: "No such maintenance tax shall be levied or collected and no bonds payable wholly or partially from ad valorem taxes shall be issued unless an election is held in the district and any such taxes or bonds are duly and favorably voted by a majority of the qualified property tax-paying voters of the district, voting at the election."

Further amend Section 5.06 of Senate Bill No. 225 by changing the number "14" where it appears in the fourth sentence of Section 5.06 to read "60."

**House Committee Amendment No. 6**

Amend Senate Bill No. 225 by striking the first sentence in Section

5.04 and inserting in place of the part stricken the following: "No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which only the qualified property tax-paying voters of the district may vote and unless a majority of the votes cast in such election is in favor of the issuance of the bonds."

**House Committee Amendment No. 7**

Amend Senate Bill No. 225 by changing Subsection (a) of Section 3.06 to read as follows:

"(a) A person who is adversely affected by a rule, act, or order of the authority may sue the authority in a district court to set aside the rule, act, or order. The suit shall be filed within 60 days after the day on which the rule, act, or order took effect."

**House Committee Amendment No. 8**

Amend Section 3.09 of Senate Bill No. 225 by striking the second sentence in Section 3.09.

**House Committee Amendment No. 9**

Amend Section 3.05 of Senate Bill No. 225 by adding a new Subsection (d) at the end of Section 3.05 to read as follows:

"(d) The quality board is a necessary party to any suit brought under this section."

**House Committee Amendment No. 10**

Amend Subsection (b) of Section 3.03 of Senate Bill No. 225 by striking the phrase "when requested by the board."

**House Committee Amendment No. 11**

Amend Subsection (e) of Section 3.01 of Senate Bill No. 225 to read as follows:

"(e) Subject only to the authority vested by general law, and particularly the Texas Water Quality Act (Art. 7621d-1, Vernon's Texas Civil Statutes), as now or hereafter amended, in the quality board and the state agencies represented on the quality board, the authority is empowered to control water pollution and waste disposal within the district."

The House amendments were read.

Senator Cole moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 143 with  
House Amendments**

By unanimous consent, Senator Cole called S. B. No. 143 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend S. B. 143 by striking all of Section 2 and 3 and substituting in lieu thereof a new Section 2 and 3 as follows:

"Sec. 2. It shall be unlawful for any person to willfully interfere with any fireman, policeman, or other peace officer in the lawful discharge of his duties, or with any doctor, nurse, or ambulance attendant while any such persons are in the exercise of functions intended to control, reduce or contain injury to persons or property during a riot, civil disturbance, or other public disaster.

"Sec. 3. A person who violates any provision of this Act is guilty of a felony and upon conviction is punishable by confinement in the state penitentiary for not less than two years nor more than 10 years."

**Committee Amendment No. 2**

Amend S. B. No. 143 by striking all above the enacting clause and substituting therefor the following:

**"A BILL  
TO BE ENTITLED**

An Act making it unlawful for any person to willfully interfere with any fireman, policeman, or other peace officer in the lawful discharge of his duties, or with any doctor, nurse, or ambulance attendant while any such persons are in the exercise of functions intended to control, reduce or contain injury to persons or property during a riot, civil disturbance, or other public disaster; defining terms; providing penalty for violation; providing that provisions of this Act are cumulative of all other penal laws of this state; providing for severance of any portion of this Act that is held invalid; and declaring an emergency."

The House amendments were read.

Senator Cole moved that the Senate concur in the House amendments.

The motion prevailed.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 152, Commending John Bolen.

H. B. No. 328, A bill to be entitled "An Act creating Bayport College as a state-supported institution of higher education; providing for its management, administration, and financing; and declaring an emergency."

H. B. No. 293, A bill to be entitled "An Act relating to the feeding of garbage to swine amending Subsection (7), Section 22a, Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 1525b, Vernon's Texas Penal Code); and declaring an emergency. (With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**House Bill 885 Ordered Not Printed**

On motion of Senator Hall and by unanimous consent H. B. No. 885 was ordered not printed.

**House Bill 608 Ordered Not Printed**

On motion of Senator Hall and by unanimous consent H. B. No. 608 was ordered not printed.

**House Bill 1353 Ordered Not Printed**

On motion of Senator Hall and by unanimous consent H. B. No. 1353 was ordered not printed.

**House Bill 1230 Ordered Not Printed**

On motion of Senator Hall and by unanimous consent H. B. No. 1230 was ordered not printed.

**Senate Bill 385 with  
House Amendment**

By unanimous consent, Senator Schwartz called S. B. No. 385 from

the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend Senate Bill 385 as follows:

Amend Section 2 of S. B. 385 by striking all words from "as soon as" on page 1, line 58 to "elected and qualified" on page 2, line 2, inclusive, and by substituting therefor:

"As hereinafter provided, the Commissioners' Court shall call an election for eight persons to serve as the District's first board of directors, two from each County Commissioner's precinct, and said Commissioners' Court shall appoint one director-at-large. Such directors shall serve until their successors are elected and qualified."

Amend Section 3 of S. B. 385 by inserting between "Texas" and "and" on page 2, line 10:

", Galveston County, and the Commissioner's Precinct which he seeks to represent,"

Amend Section 4 of S. B. 385 by striking "January" on page 2, line 27, and substituting therefor "November"; and by inserting between "directors" and "his" on page 2, line 40:

"(except for the election in November, 1970, in which case he shall file with the Commissioners' Court)";

and by striking "the" on page 2, line 44 and substituting therefor:

"Immediately after the first election of eight directors in November, 1970, the"

Amend Section 14 by striking "seven" on page 7, line 31 and substituting therefor: "six and one-half (6½%)".

Amend Section 15 by striking "seven" on page 8, line 19 and substituting therefor: "six and one-half (6½%)".

Amend Section 19 by deleting the period after "tax" on page 9, line 54 and substituting therefor a semicolon; and by inserting between "tax" and "Notice" on page 9, line 54:

"provided, however, that said board or any subsequent board shall not call or hold said election until a Comprehensive Master Drainage Plan for said District shall have been pre-

pared or caused to be prepared by the Galveston County Commissioners' Court, and said Plan shall have been approved by said Court and the District's board of directors.";

and by adding after "effect." on page 10, line 13:

"It is further specifically provided that said District shall be abolished by operation of law if after 5 years from the effective date of this act said District has not been so confirmed and said maintenance tax has not been voted as provided herein."

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 482 with  
House Amendment**

By unanimous consent, Senator Schwartz called S. B. No. 482 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1  
Senate Bill No. 482**

The above-numbered Bill is amended as follows:

1. Amend Section 5a (a) by deleting the words "or useful";

2. Amend Section 16 by deleting the first and third sentences in said section and amending the caption accordingly;

3. Amend Section 13 by changing the period at the end of the first sentence to a comma, and adding to said sentence the following:

"and to situations where the exercise of such power is necessary in order to carry out the purposes for which the District was created.";

4. Amend Section 13 by striking out the second sentence, said sentence beginning with the phrase "The district shall have the right" and ending with the phrase "securing a franchise."

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 194 with  
House Amendments**

By unanimous consent, Senator Schwartz called S. B. No. 194 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend the quoted portion of Section 2, S. B. 194, to read as follows:

"Sec. 2. The commissioner court is authorized to purchase such equipment as is necessary and make and enforce regulations for parking in county owned or county leased parking lots in, under, adjacent to, or near the county courthouse. The commissioner's court may in its discretion contract with the city for enforcement of the regulations and likewise the city in its discretion may contract with the county. The Sheriff's Department of such counties is hereby authorized to enforce any and all regulations passed by the Commissioners Court."

(Amended portion is underscored.)

**Committee Amendment No. 2**

Amend S. B. No. 194 by striking the figure "15,000" in quoted Section 1, on line 16, and substituting the figure "14,900".

The House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 824 with  
House Amendment**

Senator Schwartz called S. B. No. 824 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

**Floor Amendment No. 1**

Sec. 2, Senate Bill 824, is amended to read as follows:

"Sec. 2. Sec. 8, Chapter 64, Acts of the 57th Legislature, Third Called

Session, 1962, is amended to read as follows:

"Sec. 8. (a) There is hereby established a County Juvenile Board in and for the County of Galveston, to be known as the Galveston County Juvenile Board, which Board shall be composed of the County Judge, the Judge of the County Court No. 1, the Judge of the County Court No. 2, the Judges of the several District Courts in and for Galveston County, and the Judge of the Court of Domestic Relations for Galveston County, who shall act as Chairman. The said Juvenile Board shall meet at least once monthly to review the work of the Chief Juvenile Officer and the Juvenile Officers and to consider any other matters concerning juveniles and the disposition of cases concerning juveniles pending before the respective courts. The Judge of the County Court No. 1 and the Judge of the County Court No. 2 and the Judges of the several District Courts in and for Galveston County shall have concurrent jurisdiction with the Court of Domestic Relations for Galveston County in all cases involving delinquent child proceedings, neglected and dependent child proceedings, and all jurisdiction, powers and authority now or hereafter placed in the Court of Domestic Relations for Galveston County under the juvenile and child welfare laws of this State; provided, however, that such cases shall be originally filed and docketed with the District Clerk of Galveston County, who shall act as clerk in all the above proceedings and who shall maintain all records and assign rotatively and equally each of the cases to the courts having jurisdiction over such matters.

The Commissioners Court of Galveston County shall appoint a Citizens Juvenile Advisory Board composed of at least fifteen (15) interested citizens who shall consult with the Galveston County Juvenile Board in regard to matters concerning juveniles and may meet at their own discretion as well. The Citizen's Advisory Board shall elect its own chairman and other officers."

The House amendment was read.

Senator Schwartz moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the

differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 824 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Schwartz, Strong, Mauzy, McKool and Aikin.

**Senate Bill 766 with  
House Amendments**

By unanimous consent, Senator Schwartz called S. B. No. 766 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend Section 1 of S. B. 766 by striking "as last amended by Chapter 123, Acts of the 59th Legislature, Regular Session, 1965" and substituting therefor "as amended by Section 2, Chapter 50, Acts of the 57th Legislature, Third Called Session, 1962".

**Committee Amendment No. 2**

Amend the caption of S. B. 766 by striking "as last amended by Chapter 123, Acts of the 59th Legislature, Regular Session, 1965" and substituting therefor "as amended by Section 2, Chapter 50, Acts of the 57th Legislature, Third Called Session, 1962".

The House amendments were read.

Senator Schwartz moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 766 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Schwartz, Strong, Mauzy, McKool and Aikin.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 462, A bill to be entitled "An Act to amend Statutes by amending Sections 4 and 5 of said Chapter 601 to authorize said Authority to acquire land for park purposes and to develop, finance, manage and regulate the use of parks and park systems; to authorize said Authority to abandon said parks and park lands; to authorize said Authority to employ an executive director and to prescribe his functions and duties; etc.; and declaring an emergency."

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Bill 585 with  
House Amendment**

Senator Moore called S. B. No. 585 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend S. B. No. 585 by striking all below the enacting clause and substituting in lieu thereof the following:

**SUBCHAPTER A. ORGANIZATION  
AND PURPOSE**

Section 1.001. SHORT TITLE. This Act may be cited as the Judicial Districts Act of 1969.

Sec. 1.002. SCOPE OF ACT. Except as otherwise indicated by the context, this Act applies only to judicial districts created by this Act or by amendments of this Act.

Sec. 1.003. SUBCHAPTERS. (a) The provisions of Subchapter B of this Act are general and apply to all district courts created by this Act and those later created by amendment of Subchapter C of this Act, except expressly provided by this Act or an amendatory Act.

(b) The provisions of Subchapter C of this Act create specific judicial districts and define their territorial composition, and may contain specific provisions applicable to each court.

(c) The provisions of Subchapter D of this Act are transitional provisions applicable to each court created by this Act or by amendment of this Act except as expressly provided by this Act or an amendatory Act.

Sec. 1.004. AMENDMENTS. This Act is so designed that the Legislature may later add districts or change the composition of a district or the jurisdiction of a court by adding or amending sections of Subchapter C without repeating the provisions of Subchapter B or Subchapter D.

#### SUBCHAPTER B. GENERAL PROVISIONS

Sec. 2.001. TERMS OF COURT. Each district court holds in each county within its jurisdiction continuous terms which commence on the first Monday in January and on the first Monday in July of each year. Each term of court continues until the next succeeding term begins.

Sec. 2.002. TRANSFER OF CASES, EXCHANGE OF BENCHES. (a) In any county in which there are two or more district courts, the judges of such courts may, in their discretion, either in termtime or in vacation, on motion of any party or on agreement of the parties, or on their own motion, transfer any case or proceeding, civil or criminal, on their dockets to the docket of one of the other said district courts, and the judges of the courts may, in their discretion, exchange benches or districts from time to time.

(b) Whenever a judge of one of the courts is disqualified, he shall transfer the case or proceeding from his court to one of the other courts, and any of the judges may in his own courtroom try and determine any case or proceeding pending in either of the other courts without having the case transferred, or may sit in any of the other courts and there hear and determine any case or proceeding there pending. Each judgment and order shall be en-

tered in the minutes of the court in which the case is pending, and two or more judges may try different cases in the same court at the same time and each may occupy his own courtroom or the room of any other court.

(c) In case of absence, sickness, or disqualification of any of the judges, any other of the judges may hold court for him. Any of the judges may hear any part of any case or proceeding pending in any of the courts and determine the same or may hear or determine any question in any case or proceeding and any other of the judges may complete the hearing and render judgment in the same. Any of the judges may hear and determine motions, petitions for injunction, applications for appointment of receivers, intervention, pleas of privilege, pleas in abatement, and all dilatory pleas, motions for new trials, and all preliminary matters, questions, and proceedings, and may enter judgment or order thereon in the court in which the case or proceeding is pending without having the same transferred to the court of the judge acting, and the judge in whose court the same is pending may thereafter proceed to hear, complete, and determine the same or other matter or any part thereof and render final judgment thereon. Any of the judges of the courts may issue restraining orders and injunctions returnable to any of the other courts.

(d) The specific matters mentioned in this section shall not be construed as any limitation on the powers of such judges when acting for any other judge by exchange of benches or otherwise.

Sec. 2.003. FILING AND DOCKETING CAUSES. In a county in which there are two or more district courts, the judges of the courts may make such rules governing the filing and numbering of cases, the assignment thereof for trial, and the distribution of the work of such courts as in their discretion is deemed necessary or desirable for the orderly dispatch of the business of the courts.

Sec. 2.004. PROCESS, WRITS, ETC. (a) When a case is transferred from one court to another, all process and writs issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

(b) The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and

all witnesses summoned to appear in a district court from which a case is transferred, are required to appear before the district court to which the case is transferred as if originally issued by that court.

Sec. 2.005. JUVENILE BOARDS AND SUPPLEMENTAL COMPENSATION. The district judge of any new district created by this Act shall sit as a member of the juvenile board in any county within his district in which a juvenile board exists. The judge shall receive the same amount as supplemental compensation for his services on the board as is received by other judges on the board. The judge shall receive the same amount in other supplementary compensation from the county as is received by other district judges in that county.

Sec. 2.006. COURT OFFICERS. The district attorney (or county attorney or criminal district attorney), the sheriff, the district clerk, the bailiffs, and other officers serving the other district court or courts of the county shall serve in their respective capacities for the court created by this Act.

Sec. 2.007. COURT REPORTER. The district judge shall appoint an official shorthand reporter for the court who shall have the qualifications and receive the compensation prescribed by law.

#### SUBCHAPTER C. CREATION OF DISTRICTS

Sec. 3.001. (a) The 141st Judicial District is hereby created, effective September 1, 1969, composed of the County of Nueces.

(b) The 141st District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.002. (a) The 148th Judicial District is hereby created, effective September 1, 1969, composed of the County of Tarrant.

(b) The 148th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.003. (a) The 149th Judicial District is hereby created, effective September 1, 1969, composed of the County of Brazoria.

(b) The 149th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts, and its court reporter shall be entitled to the same compensation, fees and allowances provided by law for the court report-

ers of the 23rd and 130th judicial districts.

Sec. 3.004. (a) The 158th Judicial District is hereby created, effective September 1, 1969, composed of the Counties of Denton and Cooke.

(b) The 158th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.005. (a) The 159th Judicial District is hereby created, effective September 1, 1969, composed of the County of Angelina.

(b) The 159th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.006. (a) The 168th Judicial District is hereby created, effective September 1, 1969, composed of the County of El Paso.

(b) The 168th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.007. (a) The 169th Judicial District is hereby created, effective September 1, 1969, composed of the Counties of Cameron and Willacy.

(b) The 169th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 169th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing District Courts which handle criminal cases.

Sec. 3.008. (a) The 170th Judicial District is hereby created, effective September 1, 1969, composed of the County of McLennan.

(b) The 170th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.009. (a) The 172nd Judicial District is hereby created, effective September 1, 1969, composed of the County of Jefferson.

(b) The 172nd District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.010. (a) The 173rd Judicial District is hereby created, effective September 1, 1969, composed of the Counties of Anderson, Henderson, and Houston.

(b) The 173rd District Court has the jurisdiction provided by the con-

stitution and the general laws of this state for district courts.

Sec. 3.011. (a) The 181st Judicial District is hereby created, effective September 1, 1969, composed of the Counties of Potter and Randall.

(b) The 181st District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

(c) The 181st District Court may hear and determine, in whichever county in said district is convenient for said court, all preliminary or interlocutory matters in which a jury may not be demanded, in any case pending in any county in said district, regardless of whether the cases were filed in the county in which the hearing is held. The 181st District Court may, unless there is some objection filed by a party to the suit, hear, in any county in said district which is convenient for said court, any non-jury case (including, but not limited to divorces, adoptions, default judgments and matters where there has been citation by publication) pending in any county in said district, regardless of whether the cases were filed in the county in which the hearing is held.

Sec. 3.012. (a) The 182nd Judicial District is hereby created, effective September 1, 1969, composed of the County of Harris.

(b) The 182nd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 182nd District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.013. (a) The 183rd Judicial District is hereby created, effective September 1, 1969, composed of the County of Harris.

(b) The 183rd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 183rd District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.014. (a) The 184th Judicial District is hereby created, effective

September 1, 1969, composed of the County of Harris.

(b) The 184th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 184th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.015. (a) The 185th Judicial District is hereby created, effective September 1, 1969, composed of the County of Harris.

(b) The 185th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 185th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.016. (a) The 186th Judicial District is hereby created, effective September 1, 1969, composed of the County of Bexar.

(b) The 186th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 186th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.017. (a) The 187th Judicial District is hereby created, effective September 1, 1969, composed of the County of Bexar.

(b) The 187th District Court has the jurisdiction provided by the constitution and general laws for district courts, but shall give preference to criminal cases. The 187th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.018. (a) The 188th Judicial District is hereby created, effective September 1, 1969, composed of the County of Gregg.



(b) The 188th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.019. (a) The 189th Judicial District is hereby created, effective September 1, 1969, composed of the County of Harris.

(b) The 189th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.020. (a) The 190th Judicial District is hereby created, effective September 1, 1969, composed of the County of Harris.

(b) The 190th District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.021. (a) The 191st Judicial District is hereby created, effective September 1, 1969, composed of the County of Dallas.

(b) The 191st District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.022. (a) The 192nd Judicial District is hereby created, effective September 1, 1969, composed of the County of Dallas.

(b) The 192nd District Court has the jurisdiction provided by the constitution and the general laws of this state for district courts.

Sec. 3.023. (a) The 193rd Judicial District is hereby created, effective September 1, 1969, composed of the County of Dallas.

(b) The 193rd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 193rd District Court shall participate in all matters relative to juries, grand juries, indictments and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.024. (a) The 194th Judicial District is hereby created, effective September 1, 1969, composed of the County of Dallas.

(b) The 194th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 194th District Court shall participate in all matters relative to juries, grand juries, indictments and docketing of cases in the same manner as the exist-

ing district courts which handle criminal cases.

Sec. 3.025. (a) The Criminal Judicial District No. 4 of Tarrant County is hereby created, effective September 1, 1969, composed of the County of Tarrant.

(b) The Criminal District Court No. 4 of Tarrant County has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The Criminal District Court No. 4 shall participate in all matters relating to juries, grand juries, indictments, and the docketing of cases in the same manner as the existing criminal district courts.

Sec. 3.026. (a) The 196th Judicial District is hereby created, effective September 1, 1969, composed of the County of Hunt.

(b) The 196th District Court has the jurisdiction prescribed by the Constitution and the general laws of this State for district courts.

Sec. 3.027. (a) The 197th Judicial District is hereby created, effective September 1, 1969, composed of the Counties of Comal and Guadalupe.

(b) The 197th District Court has the jurisdiction prescribed by the Constitution and the general laws of this State for district courts.

Sec. 3.028. (a) The 198th Judicial District is hereby created, effective September 1, 1969, composed of the County of Midland.

(b) The 198th District Court has the jurisdiction prescribed by the Constitution and the general laws of this State for district courts.

#### SUBCHAPTER D.

#### TRANSITIONAL PROVISIONS

Sec. 4.001. APPOINTMENT OF INITIAL OFFICIALS. When a judicial district is created by this Act or by amendment to this Act, the Governor shall appoint a qualified person to the office of district judge, who shall serve until the next succeeding general election and until his successor is elected and has qualified; and if the office of district attorney for a judicial district is created by this Act or by amendment to this Act, the Governor shall appoint a qualified person to the office of district attorney, who shall serve until the next succeeding general election and until his successor is elected and has qualified.

Sec. 4.002. GRAND AND PETIT JURORS. All grand and petit jurors selected in a county before the creation of a district court under this Act are considered to be lawfully selected for the district court created for the county by this Act.

Sec. 4.003. Subdivision 71, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"71. Harrison.

"The 71st Judicial District shall be composed of the County of Harrison, and the terms of the District Court are hereby designated and shall be held therein each year as follows: On the first Monday in January, March, May, July, September, and November of each year and each term of the court shall continue in session until and including the Saturday before the next succeeding term begins or until all business is disposed of."

Sec. 4.004. Sections 17 and 19, Chapter 23, Acts of the 42nd Legislature, 1st Called Session, 1931, as amended (Subdivision 124, Article 199, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 17. The District Clerk of Gregg County, Texas, duly elected and now acting as such, shall be the District Clerk of the said 124th Judicial District. He shall receive such salary as is now or may be hereafter prescribed for District Clerks of the State of Texas."

"Section 19. The Criminal District Attorney for the 124th Judicial District of Texas shall have and exercise all such powers, duties and privileges as are now by law conferred, or which may hereafter be conferred, upon District and County Attorneys, and shall represent the State of Texas in all Criminal cases under examination or prosecution in the 124th Judicial District and in the County Court, Justice Court and all Municipal Courts of Gregg County, Texas, where the defendant is charged with violating a state law, and shall be entitled to collect the fees provided by law for representing the State of Texas in said Municipal Courts, which fees are the same as the fees for representing the state in Justice Courts."

Sec. 4.005. (a) All cases and proceedings pending on the effective date of this Act in the 71st District Court in Gregg County shall be transferred

in equal numbers to the 124th and 188th District Courts. All process and writs issued from the 71st District Court sitting in Gregg County and made returnable to the 71st District Court sitting in Gregg County are hereby made returnable to the 124th or 188th District Court, as the case may be. The obligees in all bonds and recognizances taken in and for the 71st District Court sitting in Gregg County, and all witnesses summoned to appear before the 71st District Court in Gregg County, are required to appear before the 124th or 188th District Court as directed by the 124th or 188th District Court but not at a time earlier than originally required.

(b) The judge of the 71st District Court is continued in office until the expiration of the term to which he was elected and until his successor is elected and has qualified.

"Sec. 4.006. Subdivision 33, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Section 4, Chapter 337, Acts of the 54th Legislature, 1955, is amended to read as follows:

"33. Blanco, San Saba, Llano, Burnet, Gillespie, Mason and Menard.

"The 33rd Judicial District shall be composed of the Counties of Blanco, San Saba, Llano, Burnet, Gillespie, Mason and Menard, and the terms of the district court shall be held therein as follows:

"In Blanco County, beginning on the first Monday in February and September.

"In San Saba County, beginning on the second Monday in March and October.

"In Llano County, beginning on the first Monday in April and November.

"In Burnet County, beginning on the fourth Monday in April and November.

"In Menard County, beginning on the fourth Monday in February and September.

"In Mason County beginning on the second Monday in February and September.

"In Gillespie County beginning on the fourth Monday in January and June.

"Each term of court in each of such counties shall continue until the date herein fixed for the beginning of the next succeeding term. The judge of the district may hold as many sessions of court during each

term as is deemed proper and expedient for the dispatch of business."

Sec. 4.007. Sections 3 and 4, Chapter 367, Acts of the 42nd Legislature, Regular Session, 1931, as last amended by Section 1, Chapter 106, Acts of the 48th Legislature, Regular Session, 1943, are amended to read as follows:

"Section 3. The 35th Judicial District shall be composed of the counties of Brown and Coleman.

"Section 4. The terms of said District Court shall be held in said counties each year as follows:

"In the County of Brown on the first Mondays in February, June and November.

"In the County of Coleman on the first Mondays in April and September.

"Each term of court in each of such counties may continue in session until the date herein fixed for the beginning of the next succeeding term therein."

Sec. 4.008. Subdivision 38, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 337, Acts of the 54th Legislature, 1955, is amended to read as follows:

"38. Medina, Uvalde, Zavala, and Real.

"The 38th Judicial District shall be composed of the Counties of Medina, Uvalde, Zavala, and Real, and the terms of the district court shall be held therein as follows:

"In Medina County, beginning on the first Monday in January and June.

"In Uvalde County, beginning on the first Monday in February and September.

"In Zavala County, beginning on the first Monday in March and October.

"In Real County, beginning on the second Monday in January and September.

"Each term of court in each of such counties shall continue until the date herein fixed for the beginning of the next succeeding term. The judge of the district may hold as many sessions of court during each term as is deemed proper and expedient for the dispatch of business."

Sec. 4.009. Section 2, Chapter 337, Acts of the 54th Legislature, 1955, is amended to read as follows:

"Section 2. The Second 38th Judicial District of Texas shall be com-

posed of the Counties of Kerr, Bandera, Kendall, Kimble, McCulloch, and Concho.

"The terms of the Second 38th District Court shall begin on the first Mondays in January and July of each year.

"Each term of court in each county shall continue until the date fixed for the beginning of the next succeeding term. The judge of the district may hold as many sessions of court during each term as is deemed proper and expedient for the dispatch of business." •

Sec. 4.010. Section 5, Chapter 367, Acts of the 42nd Legislature, Regular Session, 1931, as last amended by Section 2, Chapter 319, Acts of the 48th Legislature, 1943, is amended to read as follows:

"Section 5. (a) The 119th Judicial District of Texas shall be composed of Runnels and Tom Green Counties; the terms of the District Court shall be held therein each year as follows:

"In the County of Runnels on the first Mondays in March and October.

"In the County of Tom Green on the first Mondays in April and November.

"Each term of court in each of such counties may continue until the date herein fixed for the beginning of the next succeeding term therein.

"(b) The judge of said court in his discretion may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business.

"(c) All processes issued, bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn from the same.

"(d) It is further provided that if any court in any county of said district shall be in session at the time this Act takes effect such court or courts affected thereby shall continue in session until the term thereof shall expire under the provisions of existing laws, but thereafter all courts in said district shall conform to the requirements of this Act."

Sec. 4.011. (a) The 195th Judicial District is hereby created, composed of the Counties of Bandera, Kerr,

Kimble, McCulloch, Kendall, and Concho.

(b) The 195th District Court shall have all the jurisdiction and powers vested by the constitution and laws of this state in district courts. The 195th and Second 38th District Courts shall exercise concurrent jurisdiction in each county.

(c) The 195th District Court shall hold two terms of court each year in each county. The terms in each county shall begin on the first Mondays in January and July of each year and shall continue until the convening of the next term. The judge of the 195th District Court may hold as many sessions of court in any term in each county as is deemed by the judge proper and expedient for the dispatch of business.

(d) The judge of the 195th and Second 38th District Courts shall each have the right to select jury commissioners and empanel grand juries in each county. The judge of the 195th District Court shall order a grand jury drawn for the January term of court in each county, and the judge of the Second 38th District Court shall order a grand jury drawn for the July term of court for each county. The judges of the 195th and Second 38th District Courts may each order grand and petit juries to be drawn for any term of his court as in his judgment is necessary, by an order entered in the minutes of the court. Indictments are returnable to either district court.

(e) The judge of each court may transfer any cause on his docket to the docket of the other district court having jurisdiction over the cause with the consent of the judge of the court to which transferred. The judges of the 195th and Second 38th District Courts may exchange benches, or either may sit for the other and may hear and determine any case pending. The judge of either court may hear and determine any motion or ancillary matter in any case pending in either court, without transferring the case. All writs and processes issued and all bonds and recognizances made in any case transferred shall be returnable to the court to which transferred as originally issued there.

(f) The district clerk and sheriff of each county shall serve as the district clerk and sheriff respectively for the 195th and Second 38th Dis-

trict Courts in their county. The judge of the 195th District Court may appoint an official shorthand reporter who must have the qualifications required by law, and who shall be compensated as provided by law.

(g) The office of the district attorney for the 195th Judicial District is created. The district attorney shall represent the state in all matters pending before the court of his district, in each county. The district attorneys of the 195th and Second 38th Judicial Districts shall assist each other in the conduct of their duties. The district attorney of the 195th Judicial District shall have the qualifications required by law for district attorneys and shall receive the compensation provided by law for district attorneys.

(h) On the effective date of this Act, the district clerk of each county transferred to the 195th and Second 38th Judicial Districts shall transfer all cases pending on the dockets of the district courts from which the counties were transferred to the dockets of the 195th and Second 38th District Courts in a manner that will equalize the dockets of the courts. The district clerk of Gillespie County shall transfer all cases on the docket of the Second 38th District Court in Gillespie County to the docket of the 33rd District Court. All writs and processes issued, and all bonds and recognizances made in cases transferred shall be returnable to the court to which the case is transferred, as if originally issued there. All subsequent cases within the jurisdiction of the 195th and Second 38th District Courts, filed with the district clerk of each county, shall be distributed between the 195th and Second 38th District Courts in a manner that will equalize their dockets.

Sec. 4.012. Immediately upon the effective date of this Act, the governor shall appoint a judge for the 195th District Court and a district attorney for the 195th Judicial District. The district judge and district attorney appointed shall serve until the next general election and until their successors have been elected and have qualified. The judge of the Second 38th District Court and the district attorney for the Second 38th Judicial District on the effective date of this Act shall remain in office for the remainder of their terms and until their successors have been elected and have qualified.

Sec. 4,013. Subdivision 47, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"47. Randall, Potter and Armstrong

"Section 1. The 47th Judicial District shall be composed of the Counties of Randall, Potter, and Armstrong.

"Section 2. The 47th District Court shall have and exercise all jurisdiction now or hereafter prescribed by the Constitution and laws of this State for District Courts.

"Section 3. The jurisdiction of the 47th District Court shall be concurrent in Randall County with the 181st District Court. The jurisdiction of the 47th District Court shall be concurrent in Potter County with the 108th and 181st District Courts.

"Section 4. The terms of the 47th District Court shall be as follows:

"(a) In the County of Randall, on the first Monday in January; on the sixteenth Monday after the first Monday in January; and on the eighth Monday after the first Monday in August.

"(b) In the County of Potter, on the fourth Monday in January; on the fifteenth Monday after the fourth Monday in January; on the first Monday in August; and on the fourteenth Monday after the first Monday in August.

"(c) In the County of Armstrong, on the tenth Monday after the fourth Monday in January; and on the eleventh Monday after the first Monday in August.

"Each term of Court in each County may continue until the date herein fixed for the beginning of the next succeeding term therein. The Judge may, in his discretion, hold as many sessions of Court in any term of the Court in any County as is deemed by him proper and expedient for the dispatch of business.

"Section 5. (a) The Judge of the 47th District Court may transfer cases to the docket of any District Court which has jurisdiction over the case with the approval of the Judge of the Court to which the case is transferred. The Judge of the 47th District Court may sit for the Judge of any other District Court without transferring the case on the dockets.

"(b) All process and writs issued out of the District Court from which any transfer is made shall be returnable to the Court to which the trans-

fer is made. All bonds executed and recognizances entered into in any District Court from which any transfer is made shall bind the parties for their appearance or to fulfill the obligations of such bonds and recognizances at the terms of the Court to which the transfer is made as the terms are fixed by this Act.

"Section 6. The District Clerk of Potter County shall act as the District Clerk for the 47th District Court in Potter County; and the District Clerk of Randall County shall act as the District Clerk for the 47th District Court in Randall County; and the District Clerk of Armstrong County shall act as the District Clerk for the 47th District Court in Armstrong County.

"Section 7. The Sheriff of Potter County shall perform for the 47th District Court in connection with all of its cases in Potter County, all of the duties in connection with the Court as provided by law for sheriffs to perform in connection with District Courts. The Sheriff of Randall County shall perform for the 47th District Court in connection with all its Randall County cases, the duties in connection with the Court as provided by law for Sheriffs to perform in connection with District Courts. The Sheriff of Armstrong County shall perform for the 47th District Court in connection with all its Armstrong County cases, the duties in connection with the Court as provided by law for Sheriffs to perform in connection with District Courts.

"Section 9. The Judge of the 47th District Court shall appoint an Official Shorthand Reporter for the Court who shall be well skilled in his profession. The Reporter shall be a sworn officer of the Court and shall be compensated as provided by law.

"Section 10. The 47th District Court may hear and determine, in whichever County in the District is convenient for the Court, all preliminary or interlocutory matters in which a jury may not be demanded, in any case pending in any County in the District, regardless of whether the cases were filed in the County in which the hearing is held. The District Court for the 47th Judicial District of Texas, may, unless there is some objection filed by a party to the suit, hear, in any County in the District which is convenient for the Court, any non-jury case (including

but not limited to divorces, adoptions, default judgments and matters where there has been citation by publication) pending in any County in the District, regardless of whether the cases were filed in the County in which the hearing is held."

Sec. 4.014. Article 199, Revised Civil Statutes of Texas, 1925, is amended by adding Subdivision 108 to read as follows:

"108. Potter

"Section 1. The 108th Judicial District is composed of the County of Potter.

"Section 2. The 108th District Court shall have and exercise all jurisdiction now or hereafter prescribed by the Constitution and laws of this State for District Courts.

"Section 3. The jurisdiction of the 108th District Court shall be concurrent in Potter County with the 47th and 181st District Courts for the 47th and 181st Judicial Districts.

"Section 4. The terms of the 108th District Court shall begin on the first Mondays in January, May and September of each year. Each term of said Court may continue until the date herein fixed for the beginning of the next succeeding term thereof. The Judge of said Court may, in his discretion, hold as many sessions of said Court as is deemed by him proper and expedient for the dispatch of business.

"Section 5. (a) The Judge of the 108th District Court may transfer cases to the docket of any District Court which has jurisdiction over the case with the approval of the Judge of the Court to which the case is transferred. The Judge of the 108th District Court may sit for the Judge of any other District Court without transferring the case on the dockets.

"(b) All process and writs issued out of the District Court from which any transfer is made shall be returnable to the Court to which the transfer is made. All bonds executed and recognizances entered into in any District Court from which any transfer is made shall bind the parties for their appearance or to fulfill the obligations of such bonds and recognizances at the terms of the Court to which the transfer is made as the terms are fixed by this Act.

"Section 6. The District Clerk of Potter County shall act as the District Clerk for the 108th Judicial District Court in Potter County.

"Section 7. The District Attorney of the 47th Judicial District shall act as the District Attorney for the 108th Judicial District.

"Section 8. The Sheriff of Potter County shall perform for the 108th District Court in connection with all of its cases in Potter County, all of the duties in connection with the Court as provided by law for Sheriffs to perform in connection with District Courts.

"Section 9. The Judge of the 108th District Court shall appoint an Official Shorthand Reporter for the Court who shall be well skilled in his profession. The Reporter shall be a sworn officer of the Court and shall be compensated as provided by law."

Sec. 4.015. The judges of the 47th and 108th District Courts shall remain in office during their terms for which they were elected.

Sec. 4.016. The judge of the 181st District Court shall be a member of the juvenile board in any county within his district in which a juvenile board exists. The judge of the 181st District Court shall receive the same amount in supplemental compensation for his services on the juvenile board that is paid to the other district judges in that county. Any juvenile board in existence in any county within the 181st Judicial District shall continue in existence with the addition of the judge of the 181st District Court to its membership.

Sec. 4.017. The following laws are repealed: Chapter 7, Acts of the 40th Legislature, Regular Session, 1927; Chapter 248, Acts of the 43rd Legislature, Regular Session, 1933; Chapter 464, Acts of the 47th Legislature, Regular Session, 1943; Chapter 42, Acts of the 43rd Legislature, 2nd Called Session, 1934; and Chapter 211, Acts of the 48th Legislature, Regular Session, 1943.

Sec. 4.018. (a) The Judge of the 197th District Court may appoint an Official Shorthand Reporter who has the qualifications required of official shorthand reporters, and who shall receive a salary not to exceed \$7,800 per annum, which shall be determined, fixed, and set by the judge. From and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary

to be paid to said reporter, and shall have filed a copy of said order with each commissioners court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the general fund, or out of the jury fund, or out of any fund available for the purpose.

(b) The office of District Attorney for the 197th Judicial District is created. The District Attorney for the 197th Judicial District shall represent the state in all matters before the district courts of Comal and Guadalupe Counties. The District Attorney for the 22nd Judicial District shall continue to represent the state before the 22nd District Court in the counties of Hays, Caldwell, Fayette, and Austin, and shall be elected from those counties. The District Attorney for the 25th Judicial District shall continue to represent the state in the counties of Gonzales and Lavaca, and shall be elected from those counties.

Sec. 4.019. (a) Subdivision 8, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 4, page 154, General Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended to read as follows:

"8. Hopkins, Delta, and Rains

"Delta County: On the first Monday in January and may continue three weeks; on the second Monday in June and may continue until the business is disposed of.

"Hopkins County: On the fourth Monday in January and may continue five weeks; on the fifteenth Monday after the fourth Monday in January and may continue up to and including the last Saturday preceding the second Monday in June; and on the fourth Monday in August and may continue six weeks.

"Provided, however, that in the County of Hopkins the Judge of the District Court shall not impanel the Grand Jury for the term of Court commencing on the fifteenth Monday after the fourth Monday in January unless in his judgment there exists an imperative necessity for a Grand Jury, and further provided that preference shall be given to the trial of civil cases in said term of Court.

"Rains County: On the thirteenth Monday after the fourth Monday in January and may continue two weeks; and on the fourteenth Monday after

the fourth Monday in August and may continue until the business is disposed of.

"The District Courts of the Eighth and Sixty-second Judicial Districts in the County of Delta shall have concurrent jurisdiction with each other in said County, throughout the limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Courts by the Constitution and Laws of the State; provided that the Judge of the Sixty-second Judicial District shall never impanel the Grand Jury in said Court in the Counties of Lamar and Delta, unless in his judgment he thinks it necessary. Either of the Judges of the District Courts of the County of Delta may, in their discretion, either in termtime or vacation, transfer any case or cases of a civil or criminal nature that may at any time be pending in his Court, to the other District Court in said Delta County, by order or orders entered upon the Minutes of the Court making such transfer; and, when such transfer or transfers are made, and when so entered upon the docket, the Judge of said Court shall try and dispose of said case or cases in the same manner as if such cases were originally filed in said Court. The clerk of the District Courts of Delta County as heretofore constituted, and his successor in office shall be the clerk of both the Eighth and Sixty-second District Courts in Delta County."

(b) Subdivision 62, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"62. Lamar, Delta, Franklin, and Hopkins

"Section 1. (a) The Sixty-second Judicial District of Texas shall be composed of the Counties of Lamar, Delta, Franklin, and Hopkins.

"(b) There shall be two (2) terms of each District Court in each County of the district each year, one beginning on the first Monday in January and continuing until the convening of the next regular term, and the other beginning on the first Monday in July and continuing until the convening of the next regular term.

"(c) In any of the above-named Counties in which there are two (2) or more District Courts, such District Courts shall have concurrent jurisdiction with each other in said Counties throughout the limits thereof,

of all matters, civil and criminal of which jurisdiction is given to the District Court by the Constitution and Laws of this State.

"(d) The judge of said Court in his discretion may hold as many sessions of Court in any term of the Court in any County as is deemed by him proper and expedient for the dispatch of business.

"(e) In any of the above said Counties in which there are two (2) or more District Courts, the judges of such Courts may, in their discretion, either in termtime or in vacation, on motion of any party or on agreement of the parties, or on their own motion, transfer any case, or proceeding, civil or criminal, on their dockets to the docket of one of the other said District Courts; and the judges of said Courts may, in their discretion, exchange benches or districts from time to time; and whenever a judge of one of said Courts is disqualified, he shall transfer the case, or proceeding, from his Court to one of the other Courts, and any of said judges may in his own courtroom try and determine any case or proceeding pending in either of the other Courts, without having the case transferred or may sit in any of the other said Courts and there hear and determine any case, or proceeding, there pending, and each judgment and order shall be entered in the Minutes of the Court in which the case is pending, and two (2) or more judges may try different cases in the same Court at the same time and each may occupy his own courtroom or the room of any other Court. In case of absence, sickness or disqualification of any of said judges, any other of said judges may hold Court for him. Any of said judges may hear any part of any case or proceeding pending in any of said Courts and determine the same or may hear or determine any question in any case or proceeding and any other of said judges may complete the hearing and render judgment in the same. Any of said judges may hear and determine demurrers, motions, petitions for injunction, application for appointment of receivers, interventions, pleas of privilege, pleas in abatement and all dilatory pleas, motions for new trials and all preliminary matters, questions and proceeding and may enter judgment or order thereon in the Court in which the case or proceeding is pending, without having the

same transferred to the Court of the judge acting and the judge in whose Court the same is pending may thereafter proceed to hear, complete and determine the same or other matter or any part thereof and render final judgment thereon. Any of the judges of said Courts may issue restraining orders and injunctions returnable to any of the other judges of Courts.

"The specific matters mentioned in this Section shall not be construed as any limitation on the powers of such judges when acting for any other judge by exchange of benches or otherwise.

"(f) The judge of the Sixty-second Judicial District shall never impanel the Grand Jury in said Court in the Counties of Lamar, Delta, Franklin, and Hopkins, unless in his judgment he thinks it necessary.

"(g) The district clerk and the sheriff of each County shall perform all the duties and functions relative to all District Courts of their County as is required by law for the District Court thereof.

"Section 2. The District Courts of the Sixth and Sixty-second Judicial Districts in Lamar County shall have concurrent jurisdiction with each other in said County throughout the limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and Laws of the State; and the District Courts of the Eighth and Sixty-second Judicial Districts in Delta County shall have concurrent jurisdiction with each other in said County throughout the limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and Laws of the State; and the Seventy-sixth and Sixty-second Judicial District Courts in Franklin County shall have concurrent jurisdiction with each other in said County throughout the limits thereof of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and Laws of the State.

"Section 3. The judge of said Court in his discretion may hold as many sessions of Court in any term of the Court in any county as is deemed by him proper and expedient for the dispatch of business.

"Section 4. Either of the Judges of the District Court of Lamar County, may, in his discretion, either in term-



time or vacation, transfer any case or cases, civil or criminal, that may at any time be pending in his Court, to the other District Court in said County of Lamar, by or for orders entered upon the minutes of the Court making such transfer; and, where such transfer or transfers are made, the Clerk of said Court shall enter such case or cases upon the dockets of said Court to which such transfer or transfers are made, and, when so entered upon the docket, the Judge of said Court shall try and dispose of said cases in the same manner as if such cases were originally filed in said Court. Either of the Judges of the District Court of Delta County may, in his discretion, either in termtime or vacation, transfer any case or cases, civil or criminal, that may at any time be pending in his Court, to the other District Court in said County of Delta, by order or orders entered upon the minutes of the Court making such transfer; and where such transfer or transfers are made, the Clerk of said Court shall enter such case or cases upon the dockets of the Court to which such transfer or transfers are made, and, when so entered upon the docket, the Judge of said Court shall try and dispose of said cases in the same manner as if such cases were originally filed in said Court. Either of the Judges of the District Court of Franklin County may, in his discretion, either in termtime or vacation, transfer any case or cases, civil or criminal, that may at any time be pending in his Court, to the other District Court in said County of Franklin, by order or orders entered upon the minutes of the Court making such transfer; and, where such transfer or transfers are made, and when so entered upon the docket, the Judge of said Court shall try and dispose of said cases in the same manner as if such cases were originally filed in said Court.

"Section 5. All processes, writs issued out of, and bonds and recognizances entered into, and all grand and petit jurors drawn and selected before this Act shall take effect shall be valid and returnable to the next succeeding term of the District Court in and for the several Counties, as herein fixed, as though issued and served for such terms, and returnable to and drawn for the same, and all such processes, writs, bonds and recognizances taken before or issued by the Courts and officers of the vari-

ous Counties affected by this Act shall be as valid as though no change had been made in the length of the terms or the time of the holding thereof of the District Courts in the Counties affected by this Act.

"Section 6. The Clerk of the District Court of Delta County shall be the Clerk of both the Eighth and Sixty-second District Courts in said County. The Clerk of the District Court of Lamar County, as heretofore constituted, and his successors in office shall be the Clerk of both the Sixth and Sixty-second District Courts in said County respectively. The Clerk of the District Court of Franklin County, as heretofore constituted, and his successors in office shall be the clerk of both the Seventy-sixth and Sixty-second District Courts in said County, respectively."

(c) On the effective date of this section, all cases on the docket of the 8th and 62nd District Courts in Hunt County shall be transferred to the docket of the 195th District Court. All writs and processes issued and all bonds and recognizances made in cases transferred shall be valid and returnable to the court to which transferred as if originally issued there.

(d) This section takes effect September 1, 1969.

#### SUBCHAPTER E. MISCELLANEOUS PROVISIONS

Sec. 5.001. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5.002. This Act takes effect September 1, 1969.

Sec. 5.003. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Moore moved that the Senate do not concur in the House

amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 585 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Watson, Moore, Schwartz, Brooks and Bates.

#### Senate Bill 425 With House Amendment

Senator Moore called S. B. No. 425 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill No. 425, first House printing, by substituting "170th" for "237th" in the following lines: lines 24, 27, and 34, on page 1, and lines 4, 8, 9, 13, and 17 on page 2.

The House amendment was read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 744 With House Amendments

Senator Moore called S. B. No. 744 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend S. B. No. 744 by striking all below the enacting clause and substituting the following:

Section 1. Article 5571, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 5571. Cotton Under Lien. No person, firm, or corporation which subsequently buys, sells, or deals in any way with negotiable warehouse receipts issued by any public warehouseman to evidence cotton stored in a public warehouse or which subsequently buys, sells, or deals in any way with such cotton, shall be liable for conversion of said cotton because of the existence of any lien or encumbrance on said cotton in the absence of actual knowledge of such lien or encumbrance at the time of the claimed conversion."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend S. B. No. 744 by striking all above the enacting clause and substituting the following:

#### A BILL TO BE ENTITLED

An Act amending Article 5571, Revised Civil Statutes of Texas, 1925, relating to cotton under lien; and declaring an emergency.

The House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 154, In memory of Mrs. Clifford B. Jones.

H. C. R. No. 157, Commending Joyce Maley on her distinguished award at the National Distributive Education Convention.

The House concurred in Senate amendments to House Bill No. 79 by vote of 133 ayes, 4 noes.

S. B. No. 167, A bill to be entitled "An Act authorizing the commissioners court of each county within the state to expend county funds for membership fees and dues to a non-profit state association or organization of counties; and declaring an emergency."

(With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

House Concurrent Resolution 154 on  
Second Reading

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 154, Memorial resolution for Mrs. Clifford B. Jones.

The resolution was read.

On motion of Senator Blanchard, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

Motion to Re-Refer House Bill 797

The Senate resumed the consideration of the pending business, same being the motion by Senator Harris that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on Federal Programs and Relations?

Pending discussion by Senator Harris of the motion to re-refer H. B. No. 797, Senator Aikin occupied the Chair.

Leave of Absence

Senator Word was granted leave of absence for the remainder of today on account of important business on motion of Senator Aikin.

(President in the Chair.)

By unanimous consent, Senator Harris withdrew his Substitute Motion to re-refer H. B. No. 797 from the Committee on Parks and Wildlife to the Committee on Federal Programs and Relations.

Question—Shall H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions?

The motion to re-refer H. B. 797 was lost by the following vote (not receiving two-thirds vote of the Members of the Senate):

Yeas—16

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Bridges	Moore
Brooks	Patman
Christie	Snelson
Hall	Watson
Herring	Wilson

Nays—9

Berry	Hazlewood
Blanchard	Kennard
Connally	Schwartz
Creighton	Strong
Harris	

Absent

Cole	McKool
Grover	Ratliff
Harrington	

Absent—Excused

Word

Senator Strong moved that the Senate stand adjourned until 11:00 o'clock a.m. tomorrow.

The motion to adjourn was lost by the following vote:

Yeas—7

Creighton	Hightower
Harris	Mauzy
Hazlewood	Strong
Herring	

Nays—17

Aikin	Hall
Bates	Kennard
Bernal	Moore
Berry	Patman
Blanchard	Schwartz
Bridges	Snelson
Brooks	Watson
Christie	Wilson
Connally	

Absent

Cole	Jordan
Grover	McKool
Harrington	Ratliff

Absent—Excused  
Word

#### Record of Votes

On motion of Senator Aikin, and by unanimous consent, Senator Jordan will be shown as voting "Yea" on the motion that H. B. No. 797 be withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

#### Motion to Place

##### Senate Bill 18 on Second Reading

Senator Berry asked unanimous consent to suspend the regular order of business and take up S. B. No. 18 for consideration at this time.

There was objection by Senator Mauzy.

#### Reports of Standing Committees

Senator Strong, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Privileges and Elections to which was referred Senate Bill No. 794, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STRONG, Chairman  
KENNARD  
MAUZY  
CONNALLY  
JORDAN  
MOORE

Senator Creighton, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1460, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1461, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1416, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Herring, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 140, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 810, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman.

McKOOL  
BERNAL  
BRIDGES  
WILSON  
MAUZY

## Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 25, A bill to be entitled "An Act amending Chapter 21, Texas Insurance Code, by adding a new Article 21.49 relating to the notice requirements for cancellation or non-renewal by insurer of policies of motor vehicle insurance, general casualty insurance, fire insurance, comprehensive dwelling policies, and homeowners policies; providing for severability; and declaring an emergency."

H. B. No. 269, A bill to be entitled "An Act creating the 181st Judicial District for Randall and Potter Counties and granting general jurisdiction to the 108th District Court of Potter County; amending Subdivision 47, Article 199, Revised Civil Statutes of Texas, 1925, as amended, and adding Subdivisions 108 and 181; repealing Chapter 7, Acts of the 40th Legislature, Regular Session, 1927; Chapter 248, Acts of the 43rd Legislature, Regular Session, 1933; Chapter 464, Acts of the 47th Legislature, Regular Session, 1941; Chapter 212, Acts of the 48th Legislature, Regular Session, 1943 Chapter 42, Acts of the 43rd Legislature, 2nd Called Session, 1934; and Chapter 211, Acts of the 48th Legislature, Regular Session, 1943; and declaring an emergency."

H. B. No. 365, A bill to be entitled "An Act relating to payroll deductions from wages and salaries of county employees in counties having 20,000 or more population; and declaring an emergency."

H. B. No. 586, A bill to be entitled "An Act conferring the right, power, and authority upon the Coordinating Board, Texas College and University System, to contract with Baylor College of Medicine for the education of bona fide Texas resident undergraduate medical students; defining certain terms; providing that the Coordinating Board shall have no power to change or negotiate for changes in such education; providing for annual disbursements from the Coordinating

Board to Baylor College of Medicine; etc., and declaring an emergency."

H. B. No. 1455, A bill to be entitled "An Act creating the constitutional office of district attorney of Angelina County, and prescribing the powers, duties, and compensation of the district attorney; removing Angelina County from the jurisdiction of the district attorney for the 2nd Judicial District; and declaring an emergency."

H. C. R. No. 149, Commending Mary Ann Harvey.

H. C. R. No. 150, Commending Charles Dunn.

H. C. R. No. 151, Commending Dr. Octavio Amadeo.

H. C. R. No. 153, Commending Carlton Carl.

H. C. R. No. 155, Commending Daron Butler.

H. C. R. No. 156, Commending Geoffrey James Norris.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

## House Bill 157 on Second Reading

The President laid before the Senate on its second reading and passage to third reading H. B. No. 157 (the bill having been read second time on Thursday, May 22, 1969.)

Question—Shall H. B. No. 157 be passed to third reading?

Senator Snelson moved the Previous Question on the passage of H. B. No. 157 to third reading and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question failed to be ordered by the following vote:

## Yeas—12

Aikin	Hall
Bates	Kennard
Bernal	Patman
Berry	Snelson
Bridges	Watson
Brooks	Wilson

## Nays—12

Blanchard	Connally
Christie	Creighton

Harris	Mauzy
Hazlewood	Moore
Herring	Schwartz
Hightower	Strong

Absent

Cole	Jordan
Grover	McKool
Harrington	Ratliff

Absent—Excused

Word

Senator Moore offered the following amendment to the bill:

Amend H. B. 157 by striking out Sections 1 and 2 and substituting in lieu thereof the following:

"Section 1. CREATION OF THE COLLEGE. There is hereby established in the Odessa-Midland area, a coeducational upper-level unit of higher learning which shall be known as Permian State College. The College shall be organized to accept only junior, senior, and graduate level students, with at least sixty (60) semester hours of accredited college study. The college will be conducted, operated and maintained under a board of regents as herein provided. For the purposes of operating and maintaining the college all movable property, books, faculty, staff and administrative personnel currently under the jurisdiction of Sul Ross State College is hereby transferred on the effective date of this Act to Permian State College for its use and benefit.

"Section 2. FINANCIAL SUPPORT. Permian State College shall be financed from the general revenue fund of the State of Texas, in the same or similar manner as other fully state-supported senior colleges. In addition to the support under general laws, all funds appropriated to Sul Ross State College under the General Appropriation Act or otherwise, except for those funds allocated under Article 7, Section 17 of the Constitution of the State of Texas, are transferred on the effective date of this Act to Permian State College for its use."

The amendment was read.

Senator Bates moved the Previous Question on the pending amendment and the passage of the bill to third reading and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

Yeas—14

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	McKool
Bridges	Patman
Brooks	Snelson
Hall	Wilson

Nays—11

Blanchard	Herring
Christie	Mauzy
Connally	Moore
Creighton	Schwartz
Harris	Strong
Hazlewood	

Absent

Cole	Ratliff
Grover	Watson
Harrington	

Absent—Excused

Word

Pending discussion by Senator Creighton of the amendment, Senator Wilson occupied the Chair.

Pending further discussion by Senator Creighton of the amendment by Senator Moore to the bill, Senator Bernal occupied the Chair.

(Senator Patman in the Chair.)

(Senator Bates in the Chair.)

Leave of Absence

Senator Berry was granted leave of absence for the remainder of the day on account of important business on motion of Senator Hightower.

Senator Bernal raised the Point of Order that there was not a quorum of the Senate present.

The Presiding Officer requested the Secretary of the Senate to call the roll for the purpose of ascertaining the presence of a quorum.

(Senator Aikin in the Chair.)

The roll was called and the following Senators were present:

Aikin	Creighton
Bates	Hall
Bernal	Harrington
Bridges	Hightower
Brooks	Jordan

Kennard  
Snelson

Strong  
Wilson

### Absent

Blanchard  
Christie  
Cole  
Connally  
Grover  
Harris  
Hazlewood  
Herring

Mauzy  
McKool  
Moore  
Patman  
Ratliff  
Schwartz  
Watson

### Absent—Excused

Berry

Word

Senator Bates moved a Call of Senate for the purpose of securing and maintaining a quorum until the disposition of the pending amendment and the passage of H. B. No. 157 to third reading and the motion was duly seconded.

Question—Shall the Call of the Senate now be ordered?

A Call of the Senate for the purpose of securing and maintaining a quorum until the disposition of the pending amendment and the passage of H. B. No. 157 to third reading was ordered by the following vote:

### Yeas—10

Aikin  
Bates  
Bernal  
Bridges  
Brooks

Hall  
Harrington  
Hightower  
Jordan  
Snelson

### Nays—2

Creighton

Strong

### Absent

Blanchard  
Christie  
Cole  
Connally  
Grover  
Harris  
Hazlewood  
Herring  
Kennard

Mauzy  
McKool  
Moore  
Patman  
Ratliff  
Schwartz  
Watson  
Wilson

### Absent—Excused

Berry

Word

Senator Bates moved that the Sergeant-at-Arms be directed to close all the doors leading from the Senate Chamber and to bring in the absent members to the Senate Chamber, but if the absentees did not return volun-

tarily that they be arrested and brought back to the Senate Chamber.

### At Ease

The Presiding Officer announced at 9:43 o'clock p.m. that the Senate would stand At Ease pending the securing of a quorum.

(President in the Chair.)

### In Legislative Session

The President called the Senate to order as In Legislative Session at 10:35 o'clock p.m.

The President recognized Senator Creighton to continued his discussion of the amendment to H. B. No. 157.

Question—Shall the amendment to H. B. No. 157 be adopted?

### House Bill 1147 on Second Reading

Senator Snelson asked unanimous consent to suspend the regular order of business and take up H. B. No. 1147 for consideration at this time.

There was objection.

Senator Snelson then moved to suspend the regular order of business and take up H. B. No. 1147 for consideration at this time.

The motion prevailed by the following vote:

### Yeas—20

Aikin  
Bates  
Bernal  
Blanchard  
Bridges  
Brooks  
Connally  
Creighton  
Hall  
Hightower

Jordan  
Kennard  
Mauzy  
McKool  
Patman  
Ratliff  
Snelson  
Strong  
Wilson  
Word

### Nays—1

Grover

### Absent

Christie  
Cole  
Harrington  
Harris  
Hazlewood

Herring  
Moore  
Schwartz  
Watson

### Absent—Excused

Berry

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1147, A bill to be entitled "An Act amending Section (c) of Article 1.14 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added, authorizing the Comptroller of Public Accounts to require sufficient security of delinquent taxpayers where collection of taxes is deemed insecure; etc.; and declaring an emergency."

The bill was read the second time.

Senator Hightower moved the Previous Question on passage of H. B. No. 1147 to third reading and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was then ordered by the following vote:

## Yeas—14

Aikin	Hightower
Bates	Jordan
Bernal	McKool
Bridges	Patman
Brooks	Ratliff
Hall	Snelson
Harrington	Word

## Nays—7

Blanchard	Kennard
Connally	Mauzy
Creighton	Strong
Grover	

## Absent

Christie	Moore
Cole	Schwartz
Harris	Watson
Hazlewood	Wilson
Herring	

## Absent—Excused

Berry

The bill was passed to third reading.

## Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

## House Bill 1147 on Third Reading

Senator Snelson moved that the Constitutional Rule and Senate Rule

30 requiring bills to be read on three several days be suspended and that H. B. No. 1147 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—22

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Connally	Snelson
Creighton	Strong
Hall	Wilson
Harrington	Word

## Nays—1

Grover

## Absent

Cole	Moore
Harris	Schwartz
Hazlewood	Watson
Herring	

## Absent—Excused

Berry

The President then laid the bill before the Senate on its third reading and final passage.

Senator Hightower moved the Previous Question on the final passage of H. B. No. 1147 and the motion was duly seconded.

Question—Shall the Previous Question now be put?

The Previous Question was ordered by the following vote:

## Yeas—17

Aikin	Jordan
Bates	Kennard
Bernal	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Snelson
Hall	Wilson
Harrington	Word
Hightower	

## Nays—7

Blanchard	Mauzy
Connally	Moore
Creighton	Strong
Grover	



## Absent

Cole	Herring
Harris	Schwartz
Hazlewood	Watson

## Absent—Excused

Berry

The bill was read third time and was passed by the following vote:

## Yeas—23

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Snelson
Creighton	Strong
Hall	Wilson
Harrington	Word
Hightower	

## Nays—1

Grover

## Absent

Cole	Herring
Harris	Schwartz
Hazlewood	Watson

## Absent—Excused

Berry

(Senator Hightower in the Chair.)

## Reports of Standing Committees

By unanimous consent, Senator Hightower submitted the following report:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses to which was referred H. C. R. No. 116, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

HIGHTOWER,  
Chairman  
AIKIN  
HALL  
KENNARD  
WORD

By unanimous consent, Senator Hall submitted the following reports:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 566, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
WORD

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 927, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
WORD

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1463, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
WORD

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1233, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
WORD

## House Bill 927 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 927 was ordered not printed.

**House Bill 1463 Ordered Not Printed**

On motion of Senator Hall and by unanimous consent H. B. No. 1463 was ordered not printed.

**House Bill 1460 Ordered Not Printed**

On motion of Senator Patman and by unanimous consent H. B. No. 1460 was ordered not printed.

**House Bill 1461 Ordered Not Printed**

On motion of Senator Patman and by unanimous consent H. B. No. 1461 was ordered not printed.

(President in the Chair.)

**House Bill 157 on Second Reading**

The Senate resumed the consideration of the pending business same being H. B. No. 157 with an amendment pending.

Question—Shall the amendment to H. B. No. 157 be adopted?

Pending discussion by Senator Creighton of the amendment, Senator Connally occupied the Chair.

(Senator Word in the Chair.)

Pending discussion by Senator Creighton of the amendment, Senator Connally asked unanimous consent that the Call of the Senate be removed.

There was objection.

Pending further discussion by Senator Creighton of the amendment, Senator Cole moved that the Senate stand adjourned until 10:00 o'clock a.m., Monday, May 26, 1969.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—7

Cole	Jordan
Creighton	Mauzy
Grover	Strong
Herring	

Nays—18

Aikin	Brooks
Bates	Christie
Bernal	Connally
Blanchard	Hall
Bridges	Harrington

Hightower	Ratliff
Kennard	Snelson
McKool	Wilson
Patman	Word

Absent

Harris	Schwartz
Hazlewood	Watson
Moore	

Absent—Excused

Berry

Question—Shall the amendment to H. B. No. 157 be adopted?

**House Bill 1070 on Third Reading**

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. B. No. 1070, A bill to be entitled "An Act relating to regulation of the transportation, storage, handling, and use of flammable liquids; providing for enforcement and penalties; and declaring an emergency."

The bill was read third time.

Senator Christie offered the following amendment to the bill:

Amend Section 4, Subsection (b) of H. B. 1070 by adding the following after the last sentence:

"The standards so described in this section are designed to be minimum standards and do not circumvent any standards established by any municipal or county ordinance."

The amendment was read and was adopted by the following vote:

Yeas—25

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Moore
Connally	Patman
Creighton	Snelson
Grover	Strong
Hall	Wilson
Harrington	Word
Harris	

Absent

Blanchard	Schwartz
Hazlewood	Watson
Ratliff	

## Absent—Excused

Berry

The bill as amended was finally passed.

## House Bill 310 on Third Reading

On motion of Senator Kennard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. B. No. 310, A bill to be entitled "An Act amending Article 875, Penal Code of Texas, 1925, as amended, so as to exclude roadrunners from the unprotected bird list; and declaring an emergency."

The bill was read third time and was passed.

## Record of Votes

Senators Christie and Blanchard asked to be recorded as voting "Nay" on the final passage of the bill.

## Senate Bill 462 with House Amendments

Senator Brooks called S. B. No. 462 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

## Committee Amendment No. 1

Amend S. B. 462 by deleting all the language beneath the Enacting Clause and substituting in lieu thereof the following:

Section 1. Section 4 of Chapter 601, Acts of the 60th Legislature, Regular Session, 1967 (codified as Article 8280-355, Vernon's Annotated Civil Statutes), is hereby amended so that said Section 4 shall be as follows:

"Sec. 4(a) The Authority shall have no power or authority to levy and collect taxes on any property, real, personal or mixed, nor shall the Authority have power and authority to issue bonds or create indebtedness which would in any way be payable from ad valorem taxes levied upon property within the Authority. The Authority shall have no power or au-

thority to limit, regulate or control the pumping, withdrawal or use of subsurface ground water by any person, firm or corporation, nor shall the Authority be authorized to construct, acquire, own or operate facilities for the navigation of public waters.

"The enactment of this law shall not have the effect of preventing the organization of conservation districts or of preventing boundary changes of such districts within the boundaries of the Authority as authorized in Article XVI, Section 59, and Article III, Section 52, of the Constitution of Texas.

"Sec. 4(b) The Authority shall have and is hereby authorized, subject to the provisions contained herein, to exercise the powers, rights, privileges, and functions of establishing, acquiring, and extending a park or park system and the Authority shall be authorized to improve and equip its park or park system in any manner considered by its board to be appropriate including the construction, purchase, lease, and other acquisition of such park facilities as shall be desirable in the full and adequate development of the park or park system and once established and improved the Authority shall be authorized from time to time to improve, repair, extend, operate, and maintain such park or park system and the park facilities and other improvements situated thereon and relating thereto. 'Park facilities,' as used herein, means any and all improvements to, or equipment to be placed in, a park, which in the judgment of the board is or will be appropriate, necessary, or useful in the establishment and operation of a park or park system and which will be used or useful by the public in its enjoyment and use thereof, including without limitation, roads, paths, ornaments, public utilities and all types and all lines, systems, and facilities incident thereto, buildings of every type (including but not limited to those related to or useful in the accommodation, lodging, housing, and feeding of the members of the public who may frequent the park) and amusement equipment and facilities of all types. 'Park,' as used herein, means any area of land or interest therein which is now owned or may hereafter be acquired by the Authority and which is adjacent to the main or later-

al canals of the Authority and which in the judgment of the board is or will be appropriate, necessary or useful as and which is or will be dedicated, used, and devoted by the board to use by the public as a playground or place of rest, resort, recreation, exercise, sport, pleasure, amusement, or enjoyment in connection with the beneficial use of the main or lateral canals to which it is adjacent. 'Park system,' as used herein, means more than one park whether or not contiguous.

"The Authority shall be authorized to acquire property of any kind, or any interest therein, necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred pursuant to this Sec. 4(b); provided, however, that the authority shall not acquire such parks and/or park system by the exercise of eminent domain.

"Each park and park system acquired or established under the provisions hereof shall be under and subject to the control and management of the board, and the board shall have the continuous general power to manage and operate the affairs of the same as it may consider appropriate, including without limitation the power to employ such personnel for management or policing purposes, or otherwise, to enter into such contracts and agreements extending over such periods of time, to provide for the sale, rental, or use of such products in the park or park system as shall be considered necessary to the full, complete, proper, and efficient development, administration, and operation of the park or park system.

"The Authority shall have the express general power and authority to make, grant, accept, and enter into all leases, and all concession, rental, operating, or other contracts and agreements covering or relating to any part or all of the land comprising any park, park system, or park facilities, which the board shall deem necessary or convenient to carry out any of the purposes and powers granted hereby, upon such terms and conditions and for such length or period of time as may be prescribed herein. Any such contract, lease, or agreement may be entered into with any person, real or artificial, any corporation, municipal or private, any governmental agency or bureau, including the United States

government and the State of Texas, agencies and political subdivisions thereof, and the board may make contracts, leases, and agreements with any such persons, corporation, or entities, for the acquisition, financing, construction, or operation of any park, park system, or park facilities or other improvements in or connected with or incident to any park or park system.

"Any and all such contracts, leases, and agreements, to be effective, shall be authorized by order or resolution of the board, shall be executed by its president and attested by its secretary, or it may be executed by such other person or persons as the board may direct, and the same shall be binding upon the Authority without reference to any other statute or statutes.

"The board shall be expressly authorized to adopt and enforce such rules and regulations relating to the use, operation, management, administration, and policing of its park or park system and related waters controlled by it as it may consider appropriate, including, without limitation, the zoning or dividing of each park or park system into such zones or divisions as it may consider appropriate and in the interest of such park or park system as a whole, and it may restrict and prescribe the activities that may be conducted in each such zone or division.

"The board shall be authorized to fix, impose, and collect such fees, tolls, rents, rates, and charges for entry to, or use of, the park or park system and park facilities controlled by it as it may deem necessary, with other sources of funds available to it, to support the acquisition, maintenance, upkeep, repair, improvement, and operation of such park or park system.

"The board is hereby authorized to accept grants, gratuities, advances, and loans in any form from any source approved by the board including the United States Government or any agency thereof, the State of Texas or any agency thereof, any private or public corporation, and any other person, for the purpose of promoting, establishing, and accomplishing the objectives and purposes and powers herein set forth, and to make and enter into such concessions, agreements, and covenants as the board considers appropriate in connection therewith.

Sec. 2. Section 5 of Chapter 601, Acts of the 60th Legislature, Regular Session, 1967 (codified as Article 3280-355, Vernon's Annotated Civil Statutes) is hereby amended so that said Section 5 shall be as follows:

"Sec. 5(a). The management and control of the Authority is hereby vested in a board of seven (7) directors who shall be at least twenty-one (21) years of age and shall be residents and landowners of Harris County or that part of Chambers and Liberty Counties which are within the boundaries of the Authority. Four (4) of such directors and their successors, being positions numbered one (1) to four (4) inclusive, shall be appointed by the mayor of the City of Houston with the advice and consent of the governing body of such city. The remaining three (3) directors and their successors, being positions numbered five (5) to seven (7) inclusive shall be appointed by the Governor of Texas with the advice and consent of the Senate, one of whom shall be a resident of Chambers County, one a resident of Liberty County and one a resident of Harris County. Vacancies in positions one (1) through four (4) shall be filled by appointment by the Mayor of the City of Houston with the advice and consent of its governing body, and vacancies in positions five (5) through (7) shall be filled by appointment by the Governor of Texas with the advice and consent of the Senate. Any director appointed by the mayor or governor shall be entitled to serve as a director pending his approval by the said governing body or Senate.

"The directors first appointed shall meet and organize as soon as practicable after the effective date of this Act, and shall file their official bonds and subscribe to the Constitutional Oath of Office. The directors first appointed shall serve until April 1, 1969, and all terms of office thereafter shall be for a period of two (2) years except for the first term of office after April 1, 1969, for positions one (1) two (2) and six (6) which shall be for a term of one (1) year. No member of the governing body of the City of Houston and no employee of the City of Houston shall be appointed as a director.

"At its April, 1969, meeting the board shall reorganize and elect from its members a president, vice president, secretary-treasurer and such

other officers as it deems necessary. A person who is elected to a board office shall serve for two (2) years in that capacity or until he ceases to be a director, if this event occurs within two (2) years. At its April meeting of each year the board shall elect officers for the offices to be filled. If a vacancy occurs in a board office, the directors at the next regular board meeting shall elect a person to serve until the next April meeting of the board.

"Sec. 5(b) The board shall employ an executive director for a term and at a salary to be fixed by the board. Under policies established by the board, the executive director is responsible to the board for:

"(1) administering the directives of the board;

"(2) keeping the Authority's records, including minutes of the board's meetings;

"(3) coordinating with state, federal, and local agencies;

"(4) developing plans and programs for the board's approval;

"(5) hiring, supervising, training, and discharging the Authority's employees;

"(6) performing any other duties assigned to him by the board.

"Sec. 5(c) The board is empowered to adopt bylaws to govern:

"(1) the time, place and manner of conducting its meetings;

"(2) the powers, duties and responsibilities of its officers and executive director;

"(3) the disbursement of funds by checks, drafts and warrants;

"(4) the appointment and authority of director committees; and

"(5) the keeping of records and accounts.

"Sec. 5(d) The bonds of the Authority shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be law-

ful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

"Sec. 5(e) The board may by resolution designate one or more banks to serve as the Authority's depository, and all funds of said Authority shall be secured in the manner now provided for the security of county funds. Such bank or banks shall serve until a successor has been appointed by the board and has qualified."

Sec. 3. All governmental proceedings and acts performed by the governing body of said Authority and all officials thereof in connection with said Authority are hereby in all things validated as of the respective date of such proceedings and acts. This provision shall not be construed as validating any governmental act or proceedings, if at the time this Act becomes effective said governmental act or proceedings was the subject of litigation pending in any court of competent jurisdiction, if such litigation is ultimately determined against the legality thereof.

Sec. 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Act or the application thereto to any person or circumstance shall ever be held to be invalid or unconstitutional, the remainder of the Act and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Act to other persons or circumstances shall not be affected thereby.

Sec. 5. The fact that there is an urgent need for additional parks and recreational facilities in Harris, Chambers and Liberty Counties, Texas, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills shall be read on three several days in each House be suspended, and this Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend S. B. 462 by deleting all the language above the Enacting Clause and substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED

"An Act to amend Chapter 601, Acts of the 60th Legislature, Regular

Session, 1967 (codified as Article 8280-355, Vernon's Annotated Civil Statutes), by amending Sections 4 and 5 of said Chapter 601 to authorize said Authority to acquire land for park purposes and to develop, finance, manage and regulate the use of parks and park systems; to authorize said Authority to employ an executive director and to prescribe his functions and duties; to provide additional procedures for the selection of the board of directors of the Authority and the officers of same; to authorize the board to adopt bylaws; to provide that the Authority's bonds are legal investments and eligible to secure public deposits; to provide for the selection of depositories for the Authority's funds; containing other provisions relating to the subject; validating all governmental acts and proceedings; providing a severability clause; and declaring an emergency."

The House amendments were read.

Senator Brooks moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Moore
Connally	Patman
Creighton	Snelson
Grover	Strong
Hall	Wilson
Harrington	Word
Harris	

#### Absent

Blanchard	Schwartz
Hazlewood	Watson
Ratliff	

#### Absent—Excused

Berry

#### Senate Bill 437 with House Amendment

Senator Word called S. B. No. 437 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. 437 by striking Section 1 thereof and substituting therefor the following:

Section 1. Article 14.22, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1965, 59th Legislature, page 830, Chapter 402, Section 7, is amended to read as follows:

"Art. 14.22. County judge-order to safe deposit company, etc., to turn over property

"When it is made to appear to a County Judge in this State that a safe deposit company, trust company, bank, person, or corporation has in its possession or under its control, papers of a decedent of whose estate such court has jurisdiction, or that the decedent has leased from such a corporation a safe deposit box, and that such papers or such deposit box may contain a will of the decedent, or a deed to a burial plot in which the decedent is to be interred, or a policy of insurance issued in the name of the decedent and payable to a named beneficiary, he may make an order directing such deposit company, trust company, bank, person or corporation to permit a person named in the order to examine such papers or safe deposit box in the presence of himself, or his duly authorized representative, or a representative of the Comptroller, and an officer of such safe deposit company, trust company, bank or corporation, or agent of such person, and if such documents are found among such papers, or in such box, to deliver said will to the clerk of the probate court of such county, or said deed to such persons as may be designated in such order, or said policy of insurance to the beneficiary named therein. The Clerk of said court shall furnish a receipt upon the delivery of the will to him.

"If no court order has been served upon the safe deposit company, bank, person or corporation, said lessors of safe deposit boxes may permit the spouse, a parent, an adult descendant or a person named as executor in a copy of a purported will produced by him, to open and examine the contents of a safe deposit box or boxes leased by a decedent, or any docu-

ments delivered by a decedent for safekeeping, in the presence of an officer of the safe deposit company, trust company, bank, person or corporation; and if so requested by such person, and after obtaining his signed receipt, therefor, may deliver:

"(1) Any writing purporting to be a will of the decedent to the person named as executor or co-executor thereof or to the county probate clerk of the county where the decedent resided. The lessor shall retain a copy of any will so delivered for a period of four years from the date of its delivery.

"(2) Any writing purporting to be a deed to a burial plot or to give burial instructions to the person making the request for a search.

"(3) Any document purporting to be an insurance policy on the life of the decedent to the beneficiary or any co-beneficiary named therein.

"But no other contents shall be removed except in the manner as may be otherwise now or hereafter provided by law."

The House amendment was read.

Senator Word moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Resolution 913

Senator Moore offered the following resolution:

Whereas, When in the cold, grey dawn of the dewy Thursday morning, or more precisely 8:00 a.m., the Senate convened, the illustrious Senator from Gregg was once again faithfully present; and

Whereas, Throughout the strenuous activities of this Senate upon this another day, the Senator from Gregg remained, steadfast at his post, freely sharing his great wisdom and knowledge with his fellow members of the Senate; and

Whereas, Despite great physical agony and suffering as a result of a most painful condition of long-standing duration, the Senator from Gregg continued his lonely vigil throughout the night, keeping his finger securely in the dike and fearlessly persevering against the floods of ignorance; and

Whereas, This commendable display of fortitude and forbearance by the Senator from Gregg is deserving of

the highest recognition; now, therefore, be it

Resolved, That the conscious and collected fellow members of the Senate, State of Texas, do hereby recognize, commend, applaud, and consider the admirable and continuing endurance of the Honorable Senator from Gregg, Senator Strong, and do hereby wish him the greatest success in the successful continuation of his chosen path of deliberation.

The resolution was read and was adopted.

#### House Bill 157 on Second Reading

The Senate resumed consideration of the pending business, same being H. B. No. 157 on its second reading and passage to third reading with an amendment pending.

Question—Shall the amendment to H. B. No. 157 be adopted?

On motion of Senator Creighton and by unanimous consent, he withdrew the pending amendment.

Question—Shall H. B. No. 157 be passed to third reading?

The bill was then passed to third reading.

#### Record of Votes

Senators Moore, Herring, Creighton and Strong asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### PAIRED

Senator Hazlewood (absent), who would vote "Yea" with Senator Word (present), who would vote "Nay."

#### House Bill 42 Re-referred

Senator Bernal moved that H. B. No. 42 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

The motion to re-refer H. B. No. 42 prevailed by the following vote:

#### Yeas—19

Aikin	Christie
Bates	Connally
Bernal	Hall
Blanchard	Harrington
Bridges	Hightower
Brooks	Jordan

Kennard	Schwartz
Mauzy	Snelson
McKool	Wilson
Patman	

#### Nays—7

Cole	Herring
Creighton	Moore
Grover	Strong
Harris	

#### Absent

Ratliff	Watson
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#### Absent—Excused

Berry

#### PAIRED

Senator Hazlewood (absent), who would vote "Yea" with Senator Word (present), who would vote "Nay."

#### Senate Bill 175 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 175 (the bill having been read second time on Tuesday, May 20, 1969).

Question—Shall the bill be passed to engrossment?

The bill was passed to engrossment.

#### Record of Votes

Senators Moore, Harris, Creighton, Herring, Hightower, Grover, Strong and Word asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Committee Substitute

#### Senate Bill 554 on Second Reading

Senator Aikin asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 554 for consideration at this time.

There was objection.

Senator Aikin then moved to suspend the regular order of business and take up C. S. S. B. No. 554 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Connally
Bates	Hall
Bernal	Harrington
Bridges	Hightower
Brooks	Jordan
Cole	Kennard



Mauzy	Snelson
McKool	Wilson
Patman	Word
Schwartz	

Nays—8

Blanchard	Harris
Christie	Herring
Creighton	Moore
Grover	Strong

Absent

Hazlewood	Watson
Ratliff	

Absent—Excused

Berry

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 554, A bill to be entitled "An Act creating Texarkana State College as a state-supported institution of higher education; providing for its management, administration, and financing; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Votes

Senators Strong, Harris, Creighton, Kennard, Herring and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

(Saturday, May 24, 1969.)

#### Report of Standing Committee

By unanimous consent, Senator Patman submitted the following report:

Austin, Texas,  
May 24, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 387, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATMAN, Chairman  
CONNALLY

WILSON  
SNELSON  
BRIDGES  
CREIGHTON  
BATES  
HIGHTOWER  
WORD

#### House Bill 387 Ordered Not Printed

On motion of Senator Blanchard, and by unanimous consent, H. B. No. 387 was ordered not printed.

(Senator Christie in the Chair.)

(President in the Chair.)

#### Senate Bill 740 with House Amendment

Senator Hall called S. B. No. 740 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. No. 740 by deleting therefrom all of Section 23 following the words "Travis County, Texas," in line 45 on page 6 of the first printing of the bill, and substituting in lieu thereof the following:

In all appeals prosecuted in any of the Courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from Justice of the Peace Courts to County Courts. When such an appeal is filed and the Court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the Courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the Courts of Texas in other cases ever be used or applied to ap-

peals prosecuted under the provisions of this Act. The Legislature hereby specifically declares that the provisions of this Section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any Court to be invalid, unconstitutional or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect.

The House amendment was read.

Senator Hall moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Wilson
Harrington	Word
Harris	

Absent

Hazlewood	Watson
Ratliff	

Absent—Excused

Berry

Leave of Absence

Senator Ratliff was granted leave of absence for the remainder of the day on account of important business on motion of Senator Hightower.

#### Senate Bill 847 on Second Reading

On motion of Senator Schwartz, and by unanimous consent, the regular order of business and Senate Rule 36 were suspended to take up for consideration at this time on its second reading and passage to third reading:

S. B. No. 847, A bill to be entitled "An Act authorizing the governing boards of state-supported institutions of higher education, including public junior colleges, to charge a facilities

use fee to full-time students; preventing increases in other authorized fees during the 1969-1970 academic year; providing that the revenue from this fee is to be used for faculty salaries only; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend the second sentence of Section 1 of S. B. No. 847 by inserting "provided, however, that where increased fees were authorized and levied prior to May 20, 1969, to become effective after such date, such increased fees may be collected during the 1969-1970 academic year" between the word "year" and the period at the end of the second sentence.

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following Committee amendment to the bill.

Amend S. B. No. 847 by striking all above the enacting clause and substituting the following:

#### A BILL TO BE ENTITLED

"An Act authorizing the governing boards of state-supported institutions of higher education, including public junior colleges, to charge a facilities use fee to full-time students; preventing increases in certain other authorized fees during the 1969-1970 academic year; providing that the revenue from this fee is to be used for faculty salaries only; and declaring an emergency."

The Committee Amendment was read and was adopted.

The bill as amended was passed to engrossment.

#### Record of Votes

Senators Mauzy and Hall asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 847 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that

S. B. No. 847 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—21

Aikin	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Snelson
Creighton	Strong
Grover	Wilson
Harris	Word
Herring	

## Nays—5

Bates	Mauzy
Hall	McKool
Harrington	

## Absent

Cole	Watson
Hazlewood	

## Absent—Excused

Berry	Ratliff
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—21

Aikin	Herring
Bernal	Hightower
Blanchard	Kennard
Bridges	McKool
Brooks	Moore
Christie	Schwartz
Connally	Snelson
Creighton	Strong
Grover	Wilson
Hall	Word
Harris	

## Nays—5

Bates	Mauzy
Harrington	Patman
Jordan	

## Absent

Cole	Watson
Hazlewood	

## Absent—Excused

Berry	Ratliff
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## Motion to Adjourn

Senator Kennard moved that the Senate stand adjourned until 12:00 o'clock noon today.

The motion to adjourn was lost.

## Memorial Resolutions

S. R. No. 898—By Senator Snelson: Memorial resolution for Joe Brown Ross.

S. R. No. 899—By Senator Snelson: Memorial resolution for Don "Tex" Smith.

S. R. No. 910—By Senators Watson and Word: Memorial resolution for Mrs. Ada Jane Turner.

## Welcome and Congratulatory Resolutions

S. R. No. 900—By Senator Kennard: Extending welcome to sponsor and members of Boy Scout Troop 512 of Fort Worth.

S. R. No. 901—By Senator Watson: Extending welcome to Dean Angus McSwain of Waco.

S. R. No. 902—By Senator Watson: Extending welcome to J. L. House of Waco.

S. R. No. 903—By Senator Watson: Extending welcome to Dr. Bob Elker of Belton.

S. R. No. 904—By Senator Watson: Extending welcome to Loy M. Simpkins of Waco.

S. R. No. 905—By Senator Grover: Extending congratulations to Monsignor J. D. Connolly on the occasion of his investiture to the work of Monsignor.

S. R. No. 906—By Senator Brooks: Extending recognition to the Texas Chapters of the Leukemia Society.

S. R. No. 907—By Senator Hightower: Extending welcome to William Clay of Vernon and Allen Clay of Irving.

S. R. No. 908—By Senator McKool: Extending recognition and commendation to Texas Association for Retarded Children.

S. R. No. 911—By Senator Watson: Extending welcome and privileges of the floor to Jim Sample of Waco.

S. R. No. 912—By Senator Watson: Extending appreciation to The Reverend Louis Calvin Browning for his accomplishments.

## Adjournment

On motion of Senator Aikin the Senate at 1:28 o'clock a.m. adjourned until 12:00 o'clock noon today.

## APPENDIX

## Sent to Governor

May 22, 1969

S. B. No. 12

S. B. No. 16

S. B. No. 21

S. B. No. 148

S. B. No. 215

S. B. No. 269

S. B. No. 295

S. B. No. 307

S. B. No. 308

S. B. No. 312

S. B. No. 325

S. B. No. 392

S. B. No. 441

S. B. No. 454

S. B. No. 460

S. B. No. 487

S. B. No. 497

S. B. No. 508

S. B. No. 541

S. B. No. 545

S. B. No. 665

S. B. No. 688

S. B. No. 689

S. B. No. 708

S. B. No. 709

S. B. No. 710

S. B. No. 712

S. B. No. 734

S. B. No. 756

S. B. No. 775

S. B. No. 109

S. B. No. 176

S. B. No. 195

S. B. No. 208

S. B. No. 519

S. B. No. 608

S. B. No. 664

May 23, 1969

S. B. No. 238

S. B. No. 525

S. B. No. 704

S. B. No. 729

S. B. No. 743

S. B. No. 761

S. B. No. 287

S. B. No. 465

S. B. No. 781

S. C. R. No. 60

S. C. R. No. 67

S. C. R. No. 69

S. C. R. No. 73

S. C. R. No. 85

S. C. R. No. 94

S. C. R. No. 96

In Memory of  
**Clyde S. Constant**

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Senator Harris offered the following resolution:

(Senate Concurrent Resolution 98)

Whereas, A distinguished Dallas citizen, Clyde S. Constant, died April 23, 1969, at the age of 77; and

Whereas, A resident of Dallas for many years, Mr. Constant was President of Ben Sira & Company and had established a reputation for skill, integrity and responsibility in highway and heavy construction; and

Whereas, He graduated from the University of Kansas with a degree in Civil Engineering; and

Whereas, During World War I he served in the United States Army Engineers, rendering outstanding service to his country; and

Whereas, This gentleman was beloved by his family, friends, and associates throughout the Dallas area, and his personal warmth added to the high regard for him throughout the community; now, therefore, be it

Resolved that the Senate of the 61st Legislature, the House of Representatives concurring, Pay tribute to the memory of Clyde S. Constant, and extend sympathy to the members of his family: to his wife, Virginia; to his daughter, Mrs. R. V. Bailey; to his stepson, Harrell S. Hayden, all of Dallas; to his stepson, Howard Hayden, of Austin; and be it further

Resolved, That a copy of this Resolution be prepared for his family, and that when the Legislature of the State of Texas adjourns this day, it do so in memory of Clyde S. Constant.

The resolution was read.

On motion of Senator Harris, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.